

# EXHIBIT AC

13 Videotaped deposition of JOSEPH  
14 MARTELLI, taken by Plaintiff on April 14, 2021,  
15 commencing at 10:30 a.m. and ending at 5:10 p.m.,  
16 pursuant to notice, conducted remotely, before  
17 Christina Diaz, a Certified Realtime Captioner,  
18 Certified Realtime and Registered Merit Reporter  
19 and Notary Public within and for the State of  
20 New York.

1 APPEARANCES:

2 For the Plaintiff:

3 SECURITIES AND EXCHANGE COMMISSION

4 BY: MARGARET SPILLANE, ESQ.

5 VICTOR SUTHAMMANONT, ESQ.

6 KEVIN McGRATH, ESQ.

7 200 Vesey Street

8 Suite 400

9 New York, NY 10281-1022

10 212.336.1100

11 SpillaneM@sec.gov

12 suthammanontv@sec.gov

13 McGrathK@sec.gov

14 For Defendants Joseph Laura, Anthony Sichenzio and  
Witness Joseph Martelli:

15 PECKAR & ABRAMSON, P.C.

16 BY: KEVIN J. O'CONNOR, ESQ.

17 70 Grand Avenue

18 River Edge, NJ 07661

19 201.343.3434

20 Koconnor@pecklaw.com www.pecklaw.com

21 ALSO PRESENT:

22 TIM HUNTER, Videographer

23

24

25

1

Wednesday, April 14, 2021

2

10:30 A.M. - 5:10 P.M. E.S.T.

10:28:25 3

--oo--

10:28:25 4

THE VIDEOGRAPHER: Good morning. Here

10:30:31 5

begins the videotaped deposition of Joseph

10:30:34 6

Martelli in the matter of the SEC v. Laura,

10:30:37 7

et al. This deposition is being held via

10:30:40 8

Webex. Today's date is April 14th, 2021.

10:30:45 9

The time on the record is 10:30 a.m. My name

10:30:50 10

is Tim Hunter. I'm your legal videographer.

10:30:53 11

Counsel, would you please introduce

10:30:54 12

yourselves and state whom you represent for

10:30:56 13

the record, starting with noticing counsel.

10:30:59 14

And the witness will be sworn.

10:31:03 15

MS. SPILLANE: Good morning. My name is

10:31:06 16

Margaret Spillane. I represent the

10:31:07 17

plaintiff, Securities and Exchange

10:31:08 18

Commission, in this action. Also appearing

10:31:10 19

today is my colleague, Victor Suthammanont.

10:31:14 20

And at some point, our colleague, Kevin

10:31:19 21

McGrath, will also join. And he will

10:31:21 22

announce his appearance or I will when he

10:31:23 23

does join.

10:31:24 24

MR. O'CONNOR: Good morning, everyone.

10:31:28 25

Kevin O'Connor on behalf of Joseph Laura and

10:31:30 1 Anthony Sichenzio and also representing the  
10:31:31 2 witness today, Mr. Joseph Martelli.

3

4 J O S E P H M A R T E L L I,  
5 having been remotely sworn as  
6 stipulated by the parties, was  
7 examined and testified as follows:

8

10:31:49 9 EXAMINATION

10:31:49 10 BY MS. SPILLANE:

10:31:50 11

10:31:50 12 Q. Good morning, Mr. Martelli. As I said,  
10:31:54 13 my name is Margaret Spillane. I'm a staff attorney  
10:31:59 14 with the Securities and Exchange Commission. I  
10:32:01 15 appreciate your time in appearing today.

10:32:04 16 I wanted to ask you before we begin if  
10:32:06 17 you have ever provided testimony in a deposition  
10:32:09 18 previously?

10:32:09 19 A. No.

10:32:12 20 Q. Okay. Let me just go over a couple of  
10:32:15 21 ground rules before we get started. The court  
10:32:17 22 reporter, Ms. Diaz, is making a record of today's  
10:32:20 23 conversation. She takes down everything we say,  
10:32:23 24 but she can't record gestures such as nodding your  
10:32:27 25 head. We do have a videographer today, so those

10:37:14 1 The only -- I mean, I have my timekeeper app  
10:37:20 2 on. It's not something he would even know to  
10:37:22 3 use. I do have the folder with the documents  
10:37:24 4 that you sent.

10:37:27 5 MS. SPILLANE: Understood.

10:37:27 6 BY MS. SPILLANE:

10:37:34 7 Q. And that agreement concerning  
10:37:35 8 communications and extraneous materials or  
10:37:38 9 documents would also apply to any personal  
10:37:41 10 electronic device that you have in front of you  
10:37:42 11 such as your phone or anyone else's phone.

10:37:47 12 A. It's off.

10:37:50 13 Q. So please refrain from reviewing that  
10:37:52 14 while we're on the record. And to the extent that  
10:37:54 15 there are any communications or documents that you  
10:37:56 16 review while we're off the record, we would ask  
10:37:59 17 that you -- that they be discussed and included on  
10:38:05 18 the record.

10:38:06 19 Do you understand?

10:38:12 20 A. Yes.

10:38:13 21 Q. Okay. Can you please provide your full  
10:38:16 22 name and address for the record?

10:38:17 23 A. Joseph Martelli. 82 Shinnecock Hill  
10:38:24 24 Court, Howell, New Jersey 07731.

10:38:29 25 Q. Okay. And do you have a middle name?

10:38:31 1 A. Paul.

10:38:33 2 Q. Okay. And are you a junior, a senior,

10:38:36 3 anything like that?

10:38:37 4 A. No.

10:38:38 5 Q. Okay. Do you have any relatives that

10:38:42 6 are also named Joseph Martelli?

10:38:45 7 A. Yes.

10:38:45 8 Q. And who is that or are they?

10:38:49 9 A. My father.

10:38:52 10 Q. Okay. And what's his middle name, if he

10:38:54 11 has one?

10:39:01 12 A. He doesn't.

10:39:02 13 Q. Okay. And how long has the -- I think

10:39:03 14 you said Shinnecock. How long has that been your

10:39:08 15 address? How long has that been your residence?

10:39:10 16 A. Since October 2019, I think, or

10:39:16 17 October --

10:39:17 18 Q. Okay. Where were you living before

10:39:19 19 that?

10:39:20 20 A. In Mountainside, New Jersey.

10:39:23 21 Q. What was the address in Mountainside?

10:39:27 22 A. I think it was 930 Mountain Avenue.

10:39:33 23 Q. Okay. The current address, do you rent

10:39:35 24 or own that property?

10:39:36 25 A. Rent.

10:39:39 1 Q. Okay. And the prior address?

10:39:43 2 A. Rent.

10:39:44 3 Q. And how long did you live at 930

10:39:49 4 Mountain Avenue?

10:39:51 5 A. About seven years.

10:39:58 6 Q. Okay. So 2012, that would make it?

10:40:03 7 A. 2011.

10:40:05 8 Q. Okay. And what about before that?

10:40:07 9 A. Before that, St. Louis Missouri.

10:40:14 10 Q. And when did you move to New Jersey?

10:40:17 11 A. The end of -- very end of 2010.

10:40:26 12 Q. Okay. And so you were living in St.

10:40:29 13 Louis Missouri for all of 2010 until you moved to

10:40:34 14 New Jersey?

10:40:38 15 A. Yes.

10:40:39 16 Q. Okay. What month in 2010 did you move?

10:40:44 17 A. October, I believe.

10:40:50 18 Q. Okay. And were you living in St. Louis

10:40:56 19 Missouri during 2009?

10:40:58 20 A. Yes.

10:40:58 21 Q. Okay. All of 2009?

10:41:00 22 A. Yes.

10:41:07 23 Q. Okay. And what was the reason you moved

10:41:09 24 back to New Jersey?

10:41:10 25 A. I moved to come work for Pristec.

10:41:20 1 MS. SPILLANE: Okay. If we could turn  
10:41:22 2 to exhibit -- Claimant's Exhibit 229, please.  
10:41:31 3 (Claimant's Exhibit 229, Letter dated  
10:41:31 4 2/2/21, with attachment, six pages, was  
10:41:32 5 marked for identification)  
10:41:45 6 MR. O'CONNOR: Okay.  
10:41:45 7 BY MS. SPILLANE:  
10:41:46 8 Q. Mr. Martelli, do you recognize this  
10:41:47 9 document?  
10:41:56 10 MR. O'CONNOR: Let me show you the whole  
10:41:58 11 thing. Okay.  
10:42:23 12 A. Yes.  
10:42:24 13 BY MS. SPILLANE:  
10:42:24 14 Q. How are you familiar with this document?  
10:42:29 15 A. It was served to me.  
10:42:33 16 Q. Okay. And are you here today pursuant  
10:42:35 17 to this subpoena?  
10:42:36 18 A. Yes.  
10:42:38 19 Q. Okay. And did you do anything to  
10:42:43 20 prepare for today's deposition?  
10:42:48 21 A. Just speak to my representation.  
10:42:54 22 Q. And that's Mr. O'Connor?  
10:42:56 23 A. Yes.  
10:42:58 24 Q. Okay. Was there anyone else present  
10:43:03 25 during that conversation?

10:54:51 1 BY MS. SPILLANE:

10:54:52 2 Q. Is that right?

10:54:53 3 MR. O'CONNOR: He said he didn't have

10:54:54 4 time to order them. That's what he just told

10:54:57 5 you.

10:54:59 6 MS. SPILLANE: And I asked the question,

10:55:00 7 which is: Do you believe that these are

10:55:02 8 documents that exist that are in your

10:55:04 9 control?

10:55:05 10 MR. O'CONNOR: No. We all know that

10:55:08 11 that's a legal definition. Control -- you

10:55:11 12 and I both know that. So I object and it

10:55:14 13 misstates testimony.

10:55:16 14 MS. SPILLANE: Okay. Let me ask it

10:55:18 15 differently then.

10:55:19 16 BY MS. SPILLANE:

10:55:19 17 Q. Mr. Martelli, do you believe that you

10:55:22 18 received checks that would have -- that you would

10:55:25 19 have cashed through your personal bank account?

10:55:32 20 A. Yes.

10:55:35 21 Q. Okay. And did you do anything to try to

10:55:37 22 order copies of evidence of those canceled checks?

10:55:43 23 A. At the time, I spoke to the bank. And

10:55:50 24 they explained to me that without giving them exact

10:55:53 25 checks, it was going to cost like \$20 an hour for

10:55:56 1 them to research it or to find every check that was  
10:56:01 2 given to me. At the time, I didn't have that --

10:56:08 3 Q. Okay. All right. So let me ask it  
10:56:08 4 then.

10:56:11 5 So you believe that there are documents  
10:56:12 6 under your control that do relate to our document  
10:56:17 7 request?

10:56:17 8 MR. O'CONNOR: Objection. Misstates  
10:56:18 9 evidence. Calls for a legal conclusion. As  
10:56:20 10 we know, control is not defined as something  
10:56:23 11 you order from a bank. Objection.

10:56:28 12 BY MS. SPILLANE:

10:56:28 13 Q. So did you order those checks interest  
10:56:31 14 from the bank, Mr. Martelli?

10:56:32 15 A. No.

10:56:32 16 Q. Okay. All right. So you said you  
10:56:39 17 looked -- I think your testimony was you looked  
10:56:41 18 through your stuff, and then you mentioned bank  
10:56:43 19 statements.

10:56:44 20 Did you find evidence in your bank  
10:56:47 21 statements of payments that you had received from  
10:56:50 22 any of the persons or entities listed in the  
10:56:54 23 request number 1 on PDF page 6?

10:57:00 24 A. No.

10:57:05 25 Q. Okay. And other than bank statements,

10:58:19 1 A. Well, I just know I don't.

10:58:24 2 Q. Okay. And how are you sure that you

10:58:26 3 don't have any responsive documents on your

10:58:29 4 computer or on your phone?

10:58:33 5 A. Because I use my phone and my computer

10:58:36 6 mostly for personal stuff and because I know what's

10:58:38 7 on them.

10:58:41 8 Q. Okay. So what about paper files, did

10:58:46 9 you review any paper files besides bank statements?

10:58:51 10 A. No.

10:58:52 11 Q. Okay. And do you have any paper files

10:58:56 12 related to the individuals or entities listed in

10:58:59 13 request number 1 on PDF page 6 of Exhibit 229?

10:59:03 14 A. No.

10:59:05 15 Q. Okay. And did you at any time have any

10:59:12 16 paper documents related to those entities or

10:59:15 17 related to any of the requests in this subpoena?

10:59:22 18 A. As far as Ally Financial or Katherine

10:59:28 19 Gardiner Martelli, we had paperwork as far as the

10:59:33 20 truck payments being made and as far as her

10:59:35 21 personal stuff. But when we got divorced, she took

10:59:38 22 everything with her.

10:59:39 23 Q. Okay. So you would view all of those

10:59:41 24 items as personal items? I'm trying to understand.

10:59:48 25 A. Personal as far as like --

10:59:48 1 Q. Yes. I mean --

10:59:50 2 A. You have Ally Financial on here I see.

10:59:53 3 That was regarding the truck payments. You have my

10:59:57 4 ex-wife's name on here. I mean, I'm just saying we

11:00:03 5 had documents like old bank statements sitting

11:00:05 6 around or whatever in a file cabinet. But other

11:00:08 7 than that, I don't have anything that has to do

11:00:10 8 with Katherine Martelli, Ally Financial, Rebecca

11:00:15 9 Carranza, Gregory DelliSanti, any of them.

11:00:18 10 Q. Okay. And then the rest of the document

11:00:21 11 requests as well, which also concern, for example,

11:00:24 12 request number 7, which requests all communications

11:00:27 13 between you and a number of individuals and

11:00:31 14 entities, including Pristec AG, Pristec America and

11:00:35 15 Innovative Crude Technologies, Mr. Laura and

11:00:38 16 Mr. Sichenzio, et cetera?

11:00:39 17 A. Yes.

11:00:41 18 Q. Do you see that?

11:00:42 19 A. No, I have none of that.

11:00:44 20 Q. Okay. You don't have any communications

11:00:46 21 between you and any of those individuals or

11:00:47 22 entities?

11:00:48 23 A. Just talking on the phone with Joe

11:00:52 24 Laura, I mean. But other than that, I don't have

11:00:56 25 documents or anything else.

11:03:13 1 other.

11:03:17 2 BY MS. SPILLANE:

11:03:17 3 Q. You have personal texts and you're not

11:03:19 4 -- what is your testimony today? Is that that

11:03:21 5 you're not sure that you have any text messages

11:03:24 6 with Mr. Laura concerning business matters? Is

11:03:28 7 that your testimony?

11:03:29 8 A. My testimony is that I don't have any

11:03:33 9 documents or anything like that that have gone back

11:03:37 10 and forth between me and Joe Laura on my phone that

11:03:43 11 are communications --

11:03:43 12 Q. Okay.

11:03:46 13 A. Sorry, go ahead.

11:03:47 14 -- that are communications, personal,

11:03:52 15 unless it is like, "I need you to pick me up," "I

11:03:54 16 need you to be here at a certain time." Stuff like

11:03:57 17 that. I mean, that's it.

11:03:58 18 Q. Okay. And so when you say, "I need you

11:04:03 19 to be here at a certain time," or pick stuff up, is

11:04:05 20 that a communication related to Pristec AG, Pristec

11:04:09 21 America or Innovative Crude Technologies?

11:04:13 22 MR. O'CONNOR: I'm going to just object.

11:04:15 23 You have to remember your subpoena sought

11:04:18 24 records during a relevant period, so I want

11:04:19 25 that to be clear to the witness.

11:04:21 1 Do you understand that?

11:04:22 2 THE WITNESS: No, I don't.

11:04:23 3 MR. O'CONNOR: Look at paragraphs 9.

11:04:26 4 The relevant period is December 2017.

11:04:29 5 THE WITNESS: Oh, okay.

11:04:30 6 MR. O'CONNOR: So when she's asking you

11:04:31 7 if you have things, keep that in mind.

11:04:34 8 THE WITNESS: Okay. Then I have nothing

11:04:36 9 from that time. I don't keep my texts that

11:04:38 10 long. And I don't have documents on my phone

11:04:40 11 from that time for sure.

11:04:42 12 BY MS. SPILLANE:

11:04:43 13 Q. Okay. And how long have you had the

11:04:44 14 phone that you are currently using?

11:04:50 15 A. This specific phone or the phone number?

11:04:53 16 Q. Why don't you answer the specific phone

11:04:56 17 and then the phone number.

11:04:59 18 A. The specific phone, maybe a year. And

11:05:04 19 the phone number, pretty much since after I moved

11:05:09 20 here in 2011 maybe, beginning of 2011.

11:05:16 21 Q. Okay. And what about your computer?

11:05:19 22 You have a computer, right?

11:05:21 23 A. Yes. My computer is maybe three years

11:05:25 24 old.

11:05:28 25 Q. Okay. And what e-mail address do you

11:05:29 1 use, if you use one, for your communications with  
11:05:34 2 Mr. Laura?

11:05:36 3 A. That would be martelli26@yahoo.com.

11:05:45 4 Same one --

11:05:47 5 Q. Okay. And how long have -- I'm sorry?

11:05:49 6 A. Yes. I've had that e-mail address since

11:05:51 7 I'm like 20 years old or something.

11:05:54 8 Q. Okay. And did you search that e-mail

11:05:57 9 address for -- that e-mail account for potentially

11:06:00 10 responsive documents?

11:06:02 11 A. You know, I did look at it, but I didn't

11:06:12 12 see anything in there during those time periods

11:06:18 13 that I could think of.

11:06:18 14 Q. Okay. So you did search that e-mail

11:06:20 15 account?

11:06:21 16 A. Yes. I actually, did go through there.

11:06:31 17 Q. Okay. All right. Let me just ask some

11:06:33 18 specific questions here. You mentioned Katherine

11:06:39 19 Martelli as your ex-wife, is that correct?

11:06:41 20 A. Yes.

11:06:41 21 Q. Okay. And when were the households

11:06:48 22 separated?

11:06:50 23 A. I think about three years ago.

11:06:59 24 Q. Okay. So is that 2018?

11:07:03 25 A. I'm not 100 percent sure, but I believe

11:07:06 1 it was like a month before Christmas. I think that  
11:07:11 2 would be -- let's see -- yes, I think it might be  
11:07:13 3 2018.

11:07:16 4 Q. So November of 2018?

11:07:19 5 A. Yes, but I'm not 100 percent. It could  
11:07:22 6 have been 2017.

11:07:29 7 Q. Okay. And when were you married to  
11:07:31 8 Ms. Martelli? When did you get married?

11:07:35 9 A. You know what? I don't even know the  
11:07:38 10 year we got married.

11:07:39 11 Q. Okay. And you mentioned, I believe, in  
11:07:43 12 your earlier testimony that there may have been  
11:07:46 13 some documents related to her that would have been  
11:07:50 14 otherwise responsive to the subpoena. That's my  
11:07:55 15 paraphrase.

11:07:57 16 Do I have it basically correct?

11:08:00 17 A. Yes.

11:08:00 18 Q. Okay. And can you describe what those  
11:08:06 19 documents are --

11:08:09 20 A. Yes.

11:08:10 21 Q. -- that you would have had or had?

11:08:12 22 A. Yes. The documents that she would have  
11:08:15 23 had in her name would have been Ally Financial  
11:08:18 24 documents or possibly the insurance on the truck as  
11:08:27 25 well. So maybe like Liberty Mutual or -- I don't

11:08:31 1 remember exactly the insurance company, but...

11:08:39 2 Q. Okay. And why did she have those  
11:08:42 3 documents?

11:08:42 4 A. When I first moved here, she did Joe  
11:08:47 5 Laura a favor and helped him to get a truck for  
11:08:53 6 transportation.

11:08:56 7 Q. Okay. And can you explain how that came  
11:08:59 8 about?

11:09:03 9 A. Joe's credit wasn't good, so he couldn't  
11:09:06 10 get the truck on his own. So my wife helped him to  
11:09:10 11 get the truck, used her credit.

11:09:15 12 Q. Okay. And so then was the truck in her  
11:09:18 13 name or his name -- or Mr. Laura's name?

11:09:21 14 A. In her name, I believe.

11:09:23 15 Q. Okay. But you viewed it as Mr. Laura's  
11:09:29 16 truck, is that right?

11:09:32 17 A. Yes. He used the truck.

11:09:34 18 Q. Okay. And was it parked at Mr. Laura's  
11:09:38 19 residence during the time it was in use?

11:09:44 20 A. Yes.

11:09:47 21 Q. Okay. And did Ms. -- I want to do this  
11:09:50 22 correctly. How would you prefer that I refer to  
11:09:53 23 her, Ms. Martelli?

11:09:56 24 A. Martelli is fine.

11:10:01 25 Q. Okay. Did Ms. Martelli have a different

11:10:03 1 car that she used?

11:10:04 2 A. Yes.

11:10:06 3 Q. Okay. And what about you, did you have

11:10:08 4 a different car?

11:10:10 5 A. The same car, me and my wife shared a

11:10:14 6 car.

11:10:17 7 Q. Okay. And during the time period

11:10:18 8 referred to in the subpoena, what car was that that

11:10:22 9 you and your wife used?

11:10:24 10 A. A Honda Accord.

11:10:27 11 Q. Okay. But the car then was in

11:10:34 12 Ms. Martelli's name, correct? I believe you may

11:10:38 13 have already testified to that, but I just want to

11:10:40 14 make sure I understand.

11:10:41 15 Is that right?

11:10:42 16 A. Yes. Yes. But I think Gardiner was the

11:10:45 17 name on it, though.

11:10:48 18 Q. Okay. And the loan was also in your

11:10:53 19 wife's name -- your ex-wife's name?

11:10:56 20 A. Yes.

11:11:03 21 Q. Okay. And when you say the truck, I

11:11:04 22 just want to make sure I know what we're talking

11:11:08 23 about. That was a Chevy Tahoe, is that right?

11:11:16 24 A. Yes.

11:11:17 25 Q. Okay. And what color was that car?

11:11:20 1 A. That was black.

11:11:26 2 Q. Okay. And do you see in request number

11:11:27 3 2 on PDF 6 of Exhibit 229 there's two VIN numbers

11:11:32 4 listed there? Do you happen to know which of those

11:11:34 5 two VIN numbers was attached to the black Chevy

11:11:42 6 Tahoe that was in your wife's name?

11:11:43 7 A. No.

11:11:48 8 Q. Okay. Where is that car now, do you

11:11:53 9 know?

11:11:53 10 A. I don't know where that car is.

11:11:56 11 Q. Okay. When is the last time you knew

11:11:57 12 where that car was?

11:11:58 13 MR. O'CONNOR: I'm going to object. I'm

11:12:00 14 not clear what you're talking about. The

11:12:02 15 truck or the car?

11:12:03 16 MS. SPILLANE: The black Chevy Tahoe.

11:12:06 17 MR. O'CONNOR: The truck.

11:12:07 18 A. The black Chevy Tahoe, actually -- you

11:12:10 19 know what? The last time -- we turned that in for

11:12:14 20 Joe, because it had been driven like 70,000 miles

11:12:21 21 in two years or something. We turned that in and

11:12:24 22 he got another Tahoe in my wife's name, a white

11:12:24 23 Tahoe.

11:12:30 24 BY MS. SPILLANE:

11:12:30 25 Q. Okay. So two Chevy Tahoes then. First,

11:12:33 1 a black one and then a white one, and these were  
11:12:35 2 both in your wife's name, is that right?  
11:12:40 3 A. Yes.  
11:12:40 4 Q. But they were both Mr. Laura's trucks?  
11:12:43 5 A. Yes.  
11:12:46 6 Q. Okay. And both of them were parked at  
11:12:48 7 his house --  
11:12:51 8 A. Yes.  
11:12:51 9 Q. -- while they were in use? Okay.  
11:12:55 10 And then the car loan -- was there a car  
11:12:59 11 loan associated with the white Chevy Tahoe also?  
11:13:05 12 A. Yes.  
11:13:05 13 Q. And do you know who the lender was?  
11:13:13 14 A. I think it might have been Ally  
11:13:19 15 Financial.  
11:13:19 16 Q. But you're not sure?  
11:13:21 17 A. Not 100 percent sure, but I think so.  
11:13:23 18 Q. Okay. But you do know that the loan was  
11:13:26 19 in your wife's name, is that right?  
11:13:27 20 A. Yes.  
11:13:34 21 Q. Okay. And do you know about when you  
11:13:35 22 turned in the black Chevy Tahoe for Mr. Laura?  
11:13:48 23 A. Maybe 2012.  
11:13:57 24 Q. Okay. And so the white Chevy Tahoe, is  
11:13:59 25 that -- does Mr. Laura still use that truck?

11:14:03 1 A. No.

11:14:07 2 Q. Okay. Do you know when the last time

11:14:10 3 Mr. Laura used that truck was?

11:14:15 4 A. No.

11:14:16 5 Q. Do you know what happened to that truck?

11:14:22 6 A. No.

11:14:23 7 Q. When is the last time you are aware of

11:14:27 8 Mr. Laura using that truck?

11:14:33 9 A. To be honest with you, I don't know. I

11:14:35 10 have no clue.

11:14:38 11 Q. Okay. All right. Did you ever drive

11:14:39 12 the black Chevy Tahoe?

11:14:41 13 A. Yes.

11:14:46 14 Q. Okay. What about your wife, did she

11:14:48 15 ever drive it?

11:14:48 16 A. No.

11:14:53 17 Q. Okay. What about the white Chevy Tahoe,

11:14:56 18 did you ever drive that truck?

11:14:58 19 A. Yes.

11:14:58 20 Q. And what about your wife, did she drive

11:15:03 21 it?

11:15:03 22 A. No.

11:15:03 23 Q. Okay. And the insurance on the white

11:15:09 24 Chevy Tahoe, was that also in your ex-wife's name?

11:15:13 25 A. Yes. She was on it.

11:15:18 1 Q. And was anyone else on it, as far as you  
know?  
11:15:20 2 A. I'm pretty sure I was on it because I  
11:15:22 3 drove those trucks. I don't remember if Joe was on  
11:15:26 4 it or not.  
11:15:29 5 Q. You don't remember if Joe was on it did  
11:15:30 6 you say?  
11:15:32 7 A. No, I don't remember.  
11:15:32 8 Q. Okay. But he was driving both of them  
11:15:35 9 during the period that we --  
11:15:38 10 A. Yes.  
11:15:42 11 Q. -- specified in the subpoena, correct?  
11:15:43 12 Okay. All right.  
11:15:46 13 And I'll get into this some.  
11:15:48 14 And you searched your records for  
11:15:55 15 documents related to the insurance for those  
11:15:58 16 vehicles as well as for the loan?  
11:16:00 17 A. I wouldn't have that. I wouldn't have  
11:16:05 18 that.  
11:16:10 19 Q. Okay. And did you ever have that?  
11:16:12 20 A. Well, when me and her were married and  
11:16:14 21 we had our paperwork and stuff together, then yes.  
11:16:21 22 Q. Okay. All right. So do you know if  
11:16:24 23 there's still any amounts outstanding on the car  
11:16:25 24 loans?  
11:16:29 25

11:16:32 1 A. No. They were paid off.

11:16:36 2 Q. Okay. All right. And, sorry, you know

11:16:38 3 that they were paid off or you don't know?

11:16:41 4 A. I know they were, because they were in

11:16:43 5 my ex-wife's name.

11:16:48 6 Q. Okay. And do you know when they were

11:16:50 7 paid off?

11:16:50 8 A. No. Maybe five years. I'm sorry.

11:17:01 9 Q. Okay. And were the deeds ever -- was

11:17:02 10 the ownership documents -- were they ever moved out

11:17:06 11 of your wife's name into someone else's name, as

11:17:09 12 far as you know?

11:17:13 13 A. You know what? I'm pretty sure she

11:17:16 14 moved them into Joe's at some point. I'm not 100

11:17:20 15 percent positive, but I'm pretty sure she did.

11:17:23 16 Q. Okay. And what makes you pretty sure of

11:17:24 17 that?

11:17:26 18 A. Just because we never had the truck. I

11:17:29 19 mean -- so I'm pretty sure she would have done that

11:17:32 20 after he paid it off.

11:17:36 21 Q. After who paid it off?

11:17:37 22 A. Excuse me?

11:17:41 23 Q. You said after -- I think you said

11:17:42 24 "after he paid it off." I just wanted to know who

11:17:45 25 the "he" was that you were referring to?

11:17:47 1 A. Yes. Joseph Laura.

11:17:52 2 Q. Okay. So was Mr. Laura making the

11:17:55 3 payments on the car loans while it was in your

11:17:59 4 wife's name?

11:18:00 5 A. Yes.

11:18:04 6 Q. Okay. Were you involved at all in the

11:18:05 7 payments that were being made?

11:18:12 8 A. What do you mean by "involved"?

11:18:13 9 Q. Well, for example, were you ever getting

11:18:17 10 loan documents or your wife getting loan documents

11:18:20 11 that you were facilitating with Mr. Laura to ensure

11:18:23 12 that they got paid?

11:18:24 13 A. No. I mean, my wife would get the

11:18:30 14 statements from Ally, and then Joe would write a

11:18:33 15 check or however he did it with her to pay the car.

11:18:36 16 Q. Okay. And were you involved in that

11:18:38 17 process?

11:18:41 18 A. I mean, sometimes I would, yes, write

11:18:44 19 the checks out of her account or my account or

11:18:47 20 wherever. Other than that, not really.

11:18:52 21 Q. Okay. So were there some payments that

11:18:54 22 were coming from your account on the vehicles?

11:19:02 23 A. You know what? I'm not sure. Actually,

11:19:04 24 I don't think so. I think they probably all came

11:19:07 25 from her account or from his, whatever. I don't

11:19:16 1 remember.

11:19:16 2 Q. Okay. And did you and your wife have a  
11:19:18 3 joint account while you were married that you would  
11:19:20 4 have used for -- that she would have used for those  
11:19:24 5 payments?

11:19:24 6 A. No.

11:19:24 7 Q. Okay. She had her own account, is that  
11:19:29 8 right?

11:19:29 9 A. Yes.

11:19:36 10 Q. Okay. All right. And you indicated  
11:19:42 11 that you -- in request number 1, that you are  
11:19:46 12 familiar with other individuals referenced there,  
11:19:49 13 Rebecca Carranza and Gregory DelliSanti.

11:19:54 14 Who do you know Ms. Carranza to be?

11:19:58 15 A. That's my mother -- ex-mother-in-law.

11:20:03 16 Q. Okay. And you searched documents  
11:20:08 17 related to her that would have been responsive to  
11:20:10 18 request number 1. You searched for those  
11:20:15 19 documents, is that right?

11:20:15 20 A. Yes. I definitely have nothing from  
11:20:17 21 her.

11:20:20 22 Q. Okay. And Mr. DelliSanti, who is he?

11:20:24 23 A. That's my landlord at 930 Mountain  
11:20:29 24 Avenue.

11:20:30 25 Q. Okay. And are you aware of any payments

11:20:32 1 that were made to him for your benefit during the  
11:20:36 2 relevant period?

11:20:41 3 A. I know when I first moved here that  
11:20:47 4 Pristec helped me get into that place, because I  
11:20:50 5 didn't have money to make the move. So I'm pretty  
11:20:53 6 sure that there's a check written to him when we  
11:20:55 7 first moved here. Other than that, nothing.

11:21:02 8 Q. Okay. But you don't have any -- you  
11:21:05 9 don't have any documents related to that?

11:21:06 10 A. No.

11:21:07 11 Q. Okay. Do you have any documents related  
11:21:08 12 to any other payments that were -- that may have  
11:21:12 13 been made in connection with your move from  
11:21:16 14 Missouri to New Jersey?

11:21:20 15 A. No. That's the only thing that I'm  
11:21:23 16 pretty sure he paid.

11:21:26 17 Q. Okay. When you say "he," you mean  
11:21:29 18 Mr. Laura?

11:21:29 19 A. Yes. Pristec.

11:21:33 20 Q. Okay. And how do you know whether the  
11:21:39 21 payments were made by Mr. Laura or Pristec?

11:21:46 22 A. I'm not really sure. I don't know what  
11:21:49 23 the check -- who the check was from, if it was from  
11:21:52 24 Pristec or from Joe Laura. I'm not sure.

11:21:56 25 Q. Okay. All right. Let me ask it this

11:21:57 1 way then.

11:21:58 2 Did Mr. Laura ever represent to you that  
11:22:00 3 he was making payments on your behalf from his  
11:22:03 4 personal account?

11:22:06 5 A. No, he didn't.

11:22:07 6 Q. Okay. What about that he was making  
11:22:11 7 payments on your behalf related to this move from  
11:22:14 8 business accounts?

11:22:15 9 A. He didn't state anything. He just  
11:22:20 10 helped me to get into the house. And he wrote a  
11:22:23 11 check. I honestly don't know if that was a Pristec  
11:22:26 12 check or a Joseph Laura check.

11:22:29 13 Q. Okay. Did you have any agreement with  
11:22:32 14 him about -- any written agreement with Mr. Laura  
11:22:37 15 about that move?

11:22:38 16 A. No.

11:22:38 17 Q. Okay. How did it come about that he  
11:22:44 18 paid those expenses then for your move into that  
11:22:46 19 home?

11:22:47 20 A. He knew -- I mean, I was moving out to  
11:22:53 21 work with him. He knew I didn't have really any  
11:22:55 22 money. So he was -- that was -- he just said, "If  
11:23:00 23 you come out here, I'll help you with your moving  
11:23:03 24 expenses if you can't make it out here otherwise."  
11:23:06 25 And we couldn't, so... Not moving expenses, but

11:23:11 1 moving in. I guess that's it.

11:23:16 2 Q. Okay. What were you doing work-wise in  
11:23:18 3 Missouri prior to moving to New Jersey?

11:23:21 4 A. Nothing. I was a stay-at-home dad.

11:23:29 5 Q. Okay. All right. I'll ask a couple of  
11:23:33 6 other questions later, but let me see.

11:23:37 7 So with respect to request number 1, did  
11:23:42 8 you search any of your other financial records  
11:23:46 9 besides bank statements, like tax documents,  
11:23:49 10 receipts, any other insurance documents, leases,  
11:23:52 11 things of that nature?

11:23:58 12 A. I don't really have that many other  
11:24:00 13 documents. Yes. I mean, I looked through what I  
11:24:05 14 had.

11:24:05 15 Q. Okay. And do you have tax documents  
11:24:07 16 that would be related to any payments made for your  
11:24:10 17 benefit by any of those entities or individuals?

11:24:14 18 A. I don't have them personally, but  
11:24:21 19 from -- yes. I don't have them personally.

11:24:22 20 Q. Okay. Does someone else have them?

11:24:28 21 A. 2011, I think, 2012. I tried to get  
11:24:32 22 those documents from the accountant that did it for  
11:24:36 23 me, but they said it was going too far back. They  
11:24:40 24 didn't have them.

11:24:41 25 Q. Okay. And for the other time periods,

11:24:45 1 2012 through 2017, did you search for any tax  
11:24:50 2 documents?

11:24:50 3 A. 2012 or 2013 through 2017, I just had to  
11:24:57 4 file them all recently. So I just filed all those  
11:25:01 5 back taxes.

11:25:07 6 Q. Okay. So there were no documents  
11:25:08 7 related to tax filings prior to whenever you just  
11:25:13 8 did the recent filing you're referring to in your  
11:25:15 9 answer?

11:25:16 10 A. Yes. Prior to...

11:25:23 11 Q. Prior to when? I'm sorry?

11:25:25 12 A. I believe 2011, 2012, and then I just  
11:25:29 13 filed 2013 moving forward.

11:25:35 14 Q. Okay. And when was that filing --

11:25:38 15 A. I'm waiting for a response.

11:25:38 16 Q. -- the recent one?

11:25:40 17 A. I just sent them out, yes.

11:25:43 18 Q. So you sent them out in 2021?

11:25:47 19 A. Yes.

11:25:48 20 Q. Okay. And do those tax filings made  
11:25:54 21 reference to payments that you received or were  
11:25:58 22 made for your benefit from the individuals or  
11:26:03 23 entities listed in request number 1?

11:26:05 24 A. Yes.

11:26:09 25 Q. Okay. All right. But they were not

11:26:11 1 produced to us in response to the subpoena?

11:26:17 2 A. No. I just got them off.

11:26:17 3 Q. Is that correct?

11:26:19 4 A. Yes.

11:26:21 5 Q. Okay. All right. Let me just move on

11:26:27 6 through these requests.

11:26:29 7 Okay. So request number 4 -- request

11:26:36 8 numbers 3 and 4 related to any agreements you had

11:26:40 9 with Pristec or Innovative Crude Technologies or

11:26:44 10 any documents concerning services provided by you

11:26:46 11 to Pristec or Innovative.

11:26:49 12 Is it your testimony that you have no

11:26:51 13 documents that meet that criteria from the relevant

11:26:57 14 time period?

11:26:58 15 A. No.

11:27:02 16 Q. Okay. That's not your testimony or you

11:27:04 17 don't have any documents?

11:27:05 18 A. I don't have those documents.

11:27:11 19 Q. Okay. Were those documents -- was there

11:27:12 20 ever an employment agreement or any investment

11:27:15 21 agreement or debt instrument between you and

11:27:19 22 Pristec or Innovative Crude Technologies?

11:27:22 23 A. No. No agreement. Nothing on paper.

11:27:31 24 Q. Okay, And any documents concerning

11:27:34 25 services that you provided to Pristec or Innovative

11:27:39 1 Crude Technologies, you don't have any documents --  
you never had any documents like that?  
11:27:42 2  
11:27:43 3 A. No.  
11:27:45 4 Q. Okay. You never kept a record of any of  
the services that you provided?  
11:27:49 5 A. No. I mean, I know -- I knew what I had  
provided at that time, and that was it.  
11:27:53 6  
11:27:55 7  
11:28:00 8 Q. Okay. When you say you knew, you  
just -- that's a reference to that you kept a  
record in your head but created no documents? I  
just want to make sure I understand your testimony.  
11:28:05 9  
11:28:08 10  
11:28:11 11  
11:28:13 12 A. Yes.  
11:28:14 13 Q. Okay. So no time sheets, no calendars,  
no diaries?  
11:28:24 14  
11:28:26 15 A. No.  
11:28:27 16 Q. Nothing like that?  
11:28:27 17 A. No. I didn't work by the hour really,  
so...  
11:28:30 18 Q. Okay. Did you keep a log of any of the  
trips that you provided?  
11:28:36 19  
11:28:38 20 A. Trips that I provided?  
11:28:42 21 Q. Well, a log of any of the services that  
you provided?  
11:28:46 22  
11:28:49 23 A. No.  
11:28:49 24 Q. Okay. All right. And I believe you  
11:28:49 25

11:28:54 1 already testified that you believe there are text  
11:29:01 2 messages between yourself and Mr. Laura, but you're  
11:29:03 3 not sure whether they relate to the relevant time  
11:29:06 4 period or to the services that you may have been  
11:29:12 5 providing to Pristec or Innovative, is that right?

11:29:15 6 MR. O'CONNOR: Objection. Misstates  
11:29:16 7 testimony.

11:29:17 8 You can answer. You can answer.

11:29:21 9 THE WITNESS: I can answer. Okay.

11:29:23 10 A. No, not from that time period.

11:29:25 11 BY MS. SPILLANE:

11:29:25 12 Q. Okay. You know that you don't have any  
11:29:27 13 from that time period, is that -- I just want to  
11:29:31 14 make sure.

11:29:31 15 A. Yes.

11:29:34 16 Q. Okay. Do you believe you would have had  
11:29:36 17 text messages from that time period? You would  
11:29:41 18 communicate with him by text, but just don't have  
11:29:44 19 those records anymore, is that right?

11:29:45 20 A. Yes. We communicated by text.

11:29:53 21 Q. Okay. All right. So item number 6, do  
11:29:59 22 any of these individuals listed owe you any debt  
11:30:05 23 currently or did they ever owe you any debt?

11:30:11 24 A. No, not personally.

11:30:18 25 Q. All right. I believe we covered number

11:58:04 1 Q. Okay. He never mentioned -- Mr. Laura  
11:58:08 2 never mentioned any of that to you?

11:58:09 3 A. No.

11:58:14 4 MS. SPILLANE: Okay. All right. I  
11:58:15 5 think this is a good time for a break. So  
11:58:21 6 we'll take ten minutes, if that's okay.

11:58:24 7 Let's go off the record, please.

11:58:26 8 MR. O'CONNOR: Okay. Sure. Yes.

11:58:26 9 THE VIDEOGRAPHER: And we're going off  
11:58:28 10 the record at 11:58 a.m.

11:58:31 11 (Recess)

12:11:19 12 THE VIDEOGRAPHER: And we're back on the  
12:21:46 13 record at 12:21 p.m.

12:21:49 14 BY MS. SPILLANE:

12:21:49 15 Q. Okay. Mr. Martelli, I understand during  
12:21:55 16 the break that you did identify some relevant text  
12:22:00 17 messages on your cell phone from the responsive  
12:22:05 18 period and that you do intend to produce those  
12:22:08 19 documents to the SEC.

12:22:11 20 Is that correct?

12:22:12 21 A. Yes.

12:22:12 22 Q. Okay. I wanted to ask you if you are an  
12:22:20 23 investor in Pristec America.

12:22:23 24 A. No.

12:22:26 25 Q. Are you an investor in Innovative Crude

12:22:32 1 Technologies?

12:22:32 2 A. No.

12:22:34 3 Q. Are you an investor in Pristec AG?

12:22:37 4 A. No.

12:22:41 5 Q. Okay. Do you have any ownership

12:22:45 6 interest in any of those entities?

12:22:51 7 A. No.

12:22:52 8 Q. Were you ever asked to invest in any of

12:22:54 9 those entities?

12:22:58 10 A. No.

12:23:01 11 Q. Did Mr. Laura ever suggest to you that

12:23:06 12 you would at some point be provided with an equity

12:23:09 13 interest in any of those entities?

12:23:11 14 A. No.

12:23:13 15 Q. Have you ever invested in any other

12:23:22 16 project that Mr. Laura, Mr. Sichenzio or Mr. Gil de

12:23:27 17 Rubio were or are involved in?

12:23:28 18 A. No.

12:23:30 19 Q. Okay. Are you familiar with an entity

12:23:33 20 called 1530 Glenwood LLC?

12:23:37 21 A. No.

12:23:38 22 Q. Are you familiar with an entity called

12:23:42 23 Robbins Lane?

12:23:48 24 A. No.

12:23:48 25 Q. Are you familiar with an entity called

12:31:48 1 Q. Okay. And at some point, there were  
12:31:52 2 discussions about you coming -- moving back to New  
12:31:56 3 Jersey, is that right?

12:32:00 4 A. Yes. Later on. Not for -- we had been  
12:32:03 5 talking for at least years before anything like  
12:32:08 6 that happened.

12:32:11 7 Q. Okay. And how did it come about that  
12:32:14 8 you started discussing moving back to New Jersey  
12:32:16 9 with Mr. Laura?

12:32:19 10 A. Well, it came about actually when I got  
12:32:21 11 married. So he came to my wedding because my  
12:32:27 12 father wasn't there and everything. So he just  
12:32:29 13 came to support me. And when he was there, he just  
12:32:34 14 discussed this new company that he was involved  
12:32:36 15 with, this great technology, and basically just  
12:32:39 16 told me all the great things about it and said, you  
12:32:44 17 know, "If you're interested, I'd be interested in  
12:32:47 18 having you come out and help me with whatever." It  
12:32:54 19 was -- we made the decision pretty quick, and then  
12:32:56 20 we -- my wife said let's give it a shot. This is a  
12:33:01 21 big opportunity. And we moved out not too long  
12:33:08 22 after that. I just can't remember exactly -- well,  
12:33:10 23 yes, around the end of 2010, so... yes.

12:33:15 24 Q. Okay. And you mentioned that Mr. Laura  
12:33:20 25 was talking to you about a company that he was

12:33:22 1 involved with.

12:33:23 2 What did he mention to you, if you can  
12:33:26 3 remember?

12:33:29 4 A. Honestly, I just remember him explaining  
12:33:31 5 the technology to me and just him really believing  
12:33:38 6 -- him really thinking that this thing was going to  
12:33:41 7 hit it off big in this short period of time. I  
12:33:43 8 just remember he was excited about it. He was  
12:33:49 9 like, "This could be a big opportunity for you."  
12:33:51 10 That's really what we talked about. And at the  
12:33:53 11 time, like I said, I was -- I needed a new  
12:33:55 12 opportunity, so I jumped on it.

12:34:02 13 Q. Okay. And did he mention anyone else  
12:34:03 14 involved in the business --

12:34:06 15 A. No.

12:34:07 16 Q. -- at that time?

12:34:07 17 A. No.

12:34:08 18 Q. Okay. Did he mention what the  
12:34:14 19 organization was called, anything like that?

12:34:18 20 A. To be honest with you, I could not tell  
12:34:21 21 you the ins and outs of that conversation. I just  
12:34:26 22 remember that he was excited. I remember specific  
12:34:29 23 things, that we were by the pool side at a hotel.  
12:34:32 24 I don't remember all of it. I just remember he was  
12:34:34 25 so excited. I got excited. And I don't remember

12:34:39 1 specifics, though, like names or company names or  
whatever, but I'm sure it was Pristec.

12:34:42 2 Q. Okay. Why are sure it was Pristec?

12:34:45 3 A. Because what other -- I mean, that's the  
12:34:48 4 only company I know him to be involved in at that  
12:34:51 5 time.

12:35:00 6 Q. Okay. And what did you understand

12:35:00 7 12:35:02 8 Mr. Laura's role to be with the company that he was  
talking about at that time?

12:35:04 9 A. I didn't really understand a specific  
12:35:07 10 role. He just said he was working with some  
12:35:09 11 gentleman from Austria. I don't know. He didn't  
12:35:13 12 specify a specific role.

12:35:17 13 Q. Okay. Did he tell you whether he had  
12:35:21 14 invested in this company or that the --

12:35:22 15 A. No.

12:35:26 16 Q. Okay. Did he tell you whether he had  
12:35:26 17 any kind of ownership interest?

12:35:30 18 A. You know, you're -- I don't remember  
12:35:33 19 these things. So if I -- if there's something --  
12:35:35 20 when you're asking, if there's something specific I  
12:35:40 21 remember, I'll just tell you, but I don't remember  
12:35:40 22 that.

12:35:42 23 Q. Okay. And you described a sort of idea  
12:35:48 24 that there would be an opportunity for you. What  
12:35:50 25

12:35:57 1 initially when you were still in Missouri did you  
12:35:59 2 discuss? Did Mr. Laura describe what that  
12:36:03 3 opportunity would be for you?

12:36:04 4 A. He basically just said, you know, once  
12:36:11 5 this technology gets off the ground and starts  
12:36:15 6 making big money, that I'd be able to have a good  
12:36:18 7 place with the company and that I'd be making a lot  
12:36:20 8 of money. That was enough for me to, you know --  
12:36:24 9 between that and my trust for him and love for him  
12:36:26 10 as an individual, I was like, "Let's do this,  
12:36:30 11 babe." She was for it, so we did it.

12:36:37 12 Q. And what did you understand from your  
12:36:38 13 conversation with Mr. Laura that you would be doing  
12:36:40 14 for the company?

12:36:44 15 A. He really told me he just needed help.  
12:36:46 16 He needed help. Basically told me with whatever it  
12:36:50 17 was that he needed help with, that I'd be willing  
12:36:52 18 to help him. And I said yes.

12:36:59 19 Q. Okay. Did he give any description of  
12:37:00 20 what it is that he would need help with?

12:37:03 21 A. Not in particular. I mean, driving him  
12:37:07 22 around. I mean, that's driving -- yes, that's  
12:37:13 23 really what he said, driving him around, helping  
12:37:15 24 him if he needed help with paperwork or doing stuff  
12:37:18 25 on the computer or -- basically, just like an

12:37:22 1 assistant, basically.

12:37:30 2 Q. Okay. And did you discuss compensation  
12:37:33 3 arrangements at that time?

12:37:34 4 A. I'm sure -- I don't remember at that  
12:37:38 5 time, but I'm sure we did at some point, because I  
12:37:41 6 would have wanted to know what I was making before  
12:37:43 7 I came out here.

12:37:45 8 Q. Okay. And about how long before you --  
12:37:51 9 was there in between when Mr. Laura made this  
12:37:53 10 proposal to you and when you actually moved out to  
12:37:56 11 New Jersey?

12:37:57 12 A. I felt like it happened within one year,  
12:38:00 13 because I tried to put my house up for sale and I  
12:38:05 14 remember we stayed as long as we could. But at  
12:38:07 15 some point, you know -- I don't remember. Maybe a  
12:38:13 16 year after I spoke to him or maybe between eight  
12:38:15 17 months and a year.

12:38:20 18 Q. Okay. And do you know if there were  
12:38:22 19 other candidates for the position that Mr. Laura  
12:38:27 20 had?

12:38:27 21 A. No, I didn't know that.

12:38:30 22 Q. No. I'm just asking if you knew if  
12:38:35 23 there were --

12:38:35 24 A. No, I don't know.

12:38:39 25 Q. -- other candidates. Okay.

Did you ever see like a written job  
12:38:42 1 description?  
12:38:44 2  
12:38:45 3 A. No.  
12:38:48 4 Q. Okay. So in between the time you first  
12:38:50 5 began talk with Mr. Laura about helping him out and  
12:38:57 6 when you actually moved out, was there someone else  
12:39:01 7 providing the services for Mr. Laura?  
12:39:04 8 A. I don't know. I have no idea. Probably  
12:39:07 9 not, but I don't know.  
12:39:11 10 Q. Okay. All right. Did Mr. Laura suggest  
12:39:15 11 that you needed any kind of training or any sort of  
12:39:22 12 educational background or supplementing before you  
12:39:24 13 would come to work for him?  
12:39:25 14 A. No.  
12:39:25 15 Q. Okay. Let's see. And did Mr. Lawyer  
12:39:38 16 suggest that you would also be providing services  
12:39:40 17 to anyone else who was associated with the company?  
12:39:46 18 A. No.  
12:39:47 19 Q. Okay. What about Mr. Sichenzio, did you  
12:39:53 20 ever have any conversations with him before you --  
12:39:55 21 A. No.  
12:39:55 22 Q. -- moved back to New Jersey or moved out  
12:39:59 23 to New Jersey?  
12:39:59 24 A. Never.  
12:40:00 25 Q. Okay. What about Walter Gil de Rubio?

12:46:18 1 Q. Okay. And you were not taking direction  
12:46:20 2 from anyone else related to the company, is that  
12:46:23 3 right?

12:46:23 4 A. No. No.

12:46:30 5 Q. Okay. I'm sorry. You were not taking  
12:46:32 6 directions from anyone else, correct?

12:46:34 7 A. No, I wasn't. Yes.

12:46:35 8 Q. Okay. Sorry. That was a bad question  
12:46:40 9 on my part.

12:46:42 10 Okay. And so why don't you just  
12:46:44 11 describe generally what responsibilities you had in  
12:46:48 12 2010, when you moved to New Jersey?

12:46:51 13 A. Really, in 2010, I was like -- I didn't  
12:47:02 14 do much. In 2011, the beginning of 2011, we would  
12:47:05 15 be driving. I mean, the main thing I did honestly  
12:47:08 16 was a lot of driving. Constantly driving. Driving  
12:47:12 17 out of state. Driving everywhere. And then just  
12:47:17 18 basically anything that -- if Joe said, "Hey,  
12:47:20 19 listen, I need 400 copies of this," I'd run to  
12:47:24 20 Staples for him. Just basic assistant stuff.

12:47:30 21 Q. Sure.

12:47:31 22 A. And like I said, he doesn't know his way  
12:47:34 23 around PowerPoint and all that, so I would help him  
12:47:39 24 with that. Basically, I was a -- I want to say I  
12:47:42 25 was a driver even though I did a lot of other

12:47:44 1 things, but just little stuff.

12:47:46 2 Q. Okay. So you were mainly a driver, is  
12:47:49 3 that right?

12:47:49 4 A. Yes, mainly. But I have helped Joe on  
12:47:52 5 different occasions with different stuff, but...

12:47:55 6 Q. Sure.

12:47:56 7 Well, let' say -- so in 2010, it sounds  
12:47:59 8 like -- I don't want to mischaracterize your  
12:48:01 9 testimony, but I think you said you didn't do much  
12:48:04 10 in 2010.

12:48:05 11 Is that right?

12:48:05 12 A. Well, I don't think I got here until  
12:48:09 13 like -- I want to say the end of October, so maybe  
12:48:11 14 for the first two months. I don't remember that  
12:48:15 15 far back as to exactly what I was doing, but I  
12:48:17 16 actually -- we were -- actually, it was like I  
12:48:21 17 was -- I'm sorry. It was like I was -- when I  
12:48:22 18 first got here, I was going like -- it felt like I  
12:48:25 19 was going seven days a week with this guy, driving  
12:48:28 20 from this meeting to that meeting to -- everywhere.  
12:48:32 21 I mean, it seemed like -- at first, I was like,  
12:48:34 22 man, this is crazy. So I guess I was working the  
12:48:41 23 end of 2010.

12:48:46 24 Q. Okay. And about -- and that was mainly  
12:48:48 25 driving?

12:48:49 1 A. Yes, mainly driving. I mean, like I  
12:48:55 2 said, yes, mainly driving. Helping him with, like  
12:48:59 3 I said, doing PowerPoint, doing charts graphs,  
12:49:08 4 whatever. But that's it, yes.

12:49:09 5 Q. Okay. And did you have an understanding  
12:49:10 6 of what the purpose of what you were -- the charts  
12:49:12 7 and graphs that you were doing, what the purpose of  
12:49:14 8 them was?

12:49:16 9 A. Not in particular. Joe might just say,  
12:49:19 10 "Hey, can you straighten this out or do this for  
12:49:22 11 me?" I was just basically data entry is basically  
12:49:25 12 what you would call it.

12:49:29 13 Q. Okay. And did you have a computer for  
12:49:33 14 your use --

12:49:33 15 A. No.

12:49:34 16 Q. -- in your apartment or -- no?

12:49:36 17 A. Not for -- not to work with Joe. When  
12:49:38 18 I'd go over, I'd have to use his stuff.

12:49:43 19 Q. Okay. Go over -- and where did this  
12:49:45 20 stake take place?

12:49:46 21 A. Usually, it took place in his office at  
12:49:49 22 his home.

12:49:51 23 Q. Wherever Joe was living at the time?

12:49:53 24 A. Yes.

12:50:01 25 Q. Okay. So you didn't have a computer

12:50:02 1 that was for your use for business stuff wherever  
12:50:05 2 you were?

12:50:06 3 A. No.

12:50:07 4 Q. Is that right?

12:50:07 5 A. No, I didn't.

12:50:08 6 Q. Okay. And there was no Pristec office?

12:50:14 7 A. No.

12:50:15 8 MR. O'CONNOR: Objection.

12:50:17 9 Go ahead. You can answer.

12:50:19 10 Misstates testimony.

12:50:20 11 You can answer.

12:50:24 12 A. No Pristec office.

12:50:29 13 BY MS. SPILLANE:

12:50:29 14 Q. And the computer that you used, was that  
12:50:32 15 Mr. Laura's computer?

12:50:33 16 A. Yes.

12:50:38 17 Q. Okay. So let's just take it sort of  
12:50:41 18 year by year, but let's say in 2011, what  
12:50:45 19 proportion of your work was driving and what  
12:50:48 20 proportion was other assistant work?

12:50:51 21 A. 80 percent driving, 20 percent other  
12:50:58 22 stuff.

12:51:00 23 Q. Okay. And so when you were driving -- I  
12:51:05 24 think you testified earlier you didn't -- there was  
12:51:07 25 no like time sheet or log or any calendar that

12:51:10 1 tracked any of those trips, is that right?

12:51:12 2 A. No.

12:51:15 3 Q. Okay. And where -- you said you would  
12:51:22 4 go in different states. What different states did  
12:51:25 5 you take trips to?

12:51:26 6 A. Everywhere. I've been to Connecticut,  
12:51:30 7 Maryland. I've been anywhere -- anywhere -- I  
12:51:37 8 don't want to say anywhere on the East Coast, but  
12:51:40 9 we were travelling like all over. I mean, most of  
12:51:43 10 the meetings were like New York City or local, but  
12:51:46 11 it just seemed like we were driving everywhere all  
12:51:49 12 the time, meeting with people all the time, or he  
12:51:52 13 was meeting with people all the time. Honestly, it  
12:51:55 14 seemed like it was just nonstop.

12:52:03 15 Q. Okay. And so you generally made trips  
12:52:10 16 driving, correct?

12:52:11 17 A. I'm sorry, what?

12:52:11 18 Q. These are trips that you took for  
12:52:14 19 Mr. Laura driving, is that right?

12:52:16 20 A. Yes.

12:52:18 21 Q. Okay. I just am confirming, did you go  
12:52:21 22 with him on any trips that required a flight on an  
12:52:26 23 airplane?

12:52:28 24 A. Yes. Actually, I've been with him twice  
12:52:32 25 to Austria in Europe.

12:52:35 1 Q. And when was that?

12:52:36 2 A. The beginning of -- like when I first

12:52:41 3 got here, maybe the beginning of 2011 or the very

12:52:45 4 end of 2008, and then once again -- I feel like not

12:52:49 5 that long later. Maybe six months later or

12:52:53 6 something. I'm not sure of the exact dates.

12:52:56 7 Q. I think you may have said 2008, did you

12:52:59 8 mean -- end of 2008. Did you mean the end of 2010?

12:53:02 9 A. Yes, definitely not 2008. End of 2010

12:53:07 10 or beginning of 2011, around then.

12:53:13 11 Q. Okay. But you didn't accompany

12:53:15 12 Mr. Laura on trips outside of the East Coast

12:53:18 13 outside of driving distance, is that right?

12:53:24 14 A. Only the two trips to Austria. Other

12:53:27 15 than that --

12:53:27 16 Q. Right. Setting those aside.

12:53:32 17 A. No.

12:53:37 18 Q. Okay. And what was the -- let's start

12:53:40 19 with the first trip to Austria.

12:53:41 20 What was the purpose of that trip, as

12:53:43 21 far as you know?

12:53:44 22 A. I'm not sure exactly what Joe was doing

12:53:48 23 there. He said that it was important. He wanted

12:53:50 24 to introduce me to Rudy and to Miguel and basically

12:53:56 25 just so I could see around the facility and

12:53:58 1 whatever else. I think he really wanted them to  
12:54:00 2 meet me, because he said I was going to be work  
12:54:04 3 with the company for years to come. So that was  
12:54:12 4 the purpose of going.

12:54:13 5 Q. Okay. And did you have any direct  
12:54:14 6 communications with any of those individuals?

12:54:16 7 A. Sure. With Rudy and Miguel.

12:54:21 8 Q. During what time period?

12:54:25 9 A. It would be the same time -- just at  
12:54:29 10 that time, just while I was there on the trip. I  
12:54:31 11 didn't speak to them after that.

12:54:36 12 Q. Okay. At any appointment after that,  
12:54:38 13 you didn't speak with them? Just while you were  
12:54:42 14 there on the trip?

12:54:43 15 MR. O'CONNOR: You're talking about for  
12:54:45 16 Pristec matters?

12:54:47 17 MS. SPILLANE: Correct.

12:54:48 18 MR. O'CONNOR: Okay.

12:54:48 19 A. I may have seen them or talked to them a  
12:54:53 20 couple of times after that, but not on the phone or  
12:54:55 21 anything like that.

12:54:58 22 BY MS. SPILLANE:

12:54:58 23 Q. Okay. What about by e-mail or by text?

12:55:02 24 A. No, not at all.

12:55:03 25 Q. Okay. So Mr. Laura said he wanted you

12:55:10 1 to meet those individuals, but then did you  
12:55:12 2 actually do anything with them or for them in the  
12:55:18 3 years thereafter?

12:55:20 4 A. Oh, no. Not specifically for them.

12:55:25 5 Q. Okay. All right. So let's just try to  
12:55:33 6 get a general proportion. I think you said in  
12:55:36 7 2011, it was 80 percent driving, 20 percent other  
12:55:39 8 stuff.

12:55:39 9 What about in the years following, did  
12:55:42 10 that change?

12:55:44 11 A. You know what? Mostly driving a lot. A  
12:55:50 12 lot. Just year after year after year.

12:55:53 13 Q. So, again, a percentage that you  
12:55:57 14 could --

12:55:57 15 A. A percentage, I would say 80/20, 80/20.  
12:56:02 16 Towards the end, I wasn't getting paid properly, so  
12:56:04 17 I was doing a lot less work for him, because he  
12:56:07 18 wasn't paying me what he told me he was going to  
12:56:09 19 pay me in the beginning. So he had me doing a lot  
12:56:13 20 less work because I was getting paid a lot less.

12:56:18 21 Q. Okay. And when did it -- when did you  
12:56:20 22 start to notice that you were getting paid a lot  
12:56:23 23 less than Mr. Laura had told you he would pay you?

12:56:28 24 A. Basically like the first year was great.  
12:56:30 25 I was like this is great. The second year, about

12:56:32 1 halfway through the second year or whenever -- this  
12:56:35 2 is not exact month. I don't know months, but  
12:56:37 3 basically that second year, it started to fall off.  
12:56:41 4 And he started telling me like we don't have as  
12:56:44 5 much money. And basically my work started to -- I  
12:56:49 6 didn't do as much work. But yes, he was still  
12:56:52 7 calling me, do this, do that, taking him all over  
12:56:56 8 the place, but it was a little messed up. I was in  
12:56:58 9 a bad spot then.

12:57:00 10 Q. Okay. It's my understanding at some  
12:57:06 11 point -- well, let me ask it this way.

12:57:08 12 When I asked you whether there was any  
12:57:10 13 written employment agreement, you said there was  
12:57:12 14 nothing written.

12:57:14 15 Did you have some kind of spoken  
12:57:17 16 agreement with Mr. Laura as to what your job would  
12:57:20 17 be and how much you would be compensated?

12:57:23 18 A. Basically, he told me in the beginning.  
12:57:25 19 He was like, "I'm going to give you five grand a  
12:57:28 20 month before taxes." And that's -- but that didn't  
12:57:35 21 last until -- that lasted like the first year, and  
12:57:38 22 then it was -- from my recollection, it was just  
12:57:41 23 sporadic and a lot less than that after that and to  
12:57:47 24 the point where it got pretty bad. I was like  
12:57:49 25 struggling.

12:57:50 1 Q. Okay. And were you formally an employee  
12:57:58 2 at any point during those years, 2010 to 2017?  
12:58:04 3 A. Was I formally an employee?  
12:58:08 4 Q. Formally.  
12:58:10 5 A. Oh, formally an employee. Yes. For the  
12:58:15 6 first year or so, I was considered an employee.  
12:58:18 7 Then after that, it was like, okay, now you're --  
12:58:22 8 you're going to be 1099 or whatever. You're going  
12:58:25 9 to be still working for the company, but you're not  
12:58:28 10 going to be on the pay -- like a W-2'd employee.  
12:58:37 11 Q. So you were W-2'd or the first how many  
12:58:41 12 years?  
12:58:41 13 A. I think the first year or two. And then  
12:58:43 14 after that, ever since then, like 2013 or '14, it's  
12:58:50 15 just been just 1099 or whatever, you know.  
12:58:55 16 Q. Okay. And so then for the first two  
12:59:00 17 years, did you receive any benefits?  
12:59:04 18 A. Like health care?  
12:59:06 19 Q. Like health care.  
12:59:08 20 A. No.  
12:59:15 21 Q. Okay. Any sort of compensation in kind  
12:59:18 22 other than paychecks that you received?  
12:59:21 23 A. No. Nothing.  
12:59:24 24 Q. Any like sort of equity promises, like I  
12:59:27 25 know I couldn't pay you X, but you'll get some kind

12:59:32 1 of interest in any kind of business entity,  
12:59:35 2 anything like that?

12:59:38 3 A. Nothing. I probably should have, but  
12:59:42 4 no, nothing.

12:59:44 5 Q. Okay. And then so -- I just want to  
12:59:47 6 understand. So you were being paid less after the  
12:59:49 7 first couple of years when you were no longer an  
12:59:52 8 employee.

12:59:54 9 How many hours about you were working a  
13:00:01 10 week, did that change?

13:00:02 11 A. Yes. Up until the third year, it  
13:00:07 12 changed. I wasn't working as much. Because before  
13:00:09 13 that, I was working like seven days a week it felt  
13:00:12 14 like, to the point where I was like, man, this is  
13:00:16 15 too much. But then, once my pay started dropping,  
13:00:20 16 then it was reasonable work hours at that point.  
13:00:22 17 It was like still working, still driving a lot and  
13:00:26 18 whatever, but it was not like all weekend. It  
13:00:29 19 wasn't just like all the time.

13:00:33 20 Q. Okay. Can you give an estimate about  
13:00:36 21 how many hours per week you were working in the  
13:00:39 22 first -- let's say in 2011, 2012?

13:00:42 23 A. Oh, my God. How many hours? How many  
13:00:46 24 hours are in the week? I would say on average, 12  
13:00:49 25 hours a day running around.

13:00:54 1 Q. Seven days a week?

13:00:58 2 A. Six days a week, I would say, on

13:01:00 3 average.

13:01:03 4 Q. Okay. And then in 2013, 2014, 2015,

13:01:08 5 2016, 2017?

13:01:10 6 A. I mean, four or five days a week. More

13:01:18 7 -- on average, maybe eight hours a day, nine hours

13:01:21 8 a day. I feel like I worked so many hours that --

13:01:29 9 I've worked a lot for this company.

13:01:34 10 Q. Okay. Let's see. And at any point, was

13:01:36 11 there any kind of written agreement for the work

13:01:38 12 that you would be doing?

13:01:40 13 A. No.

13:01:46 14 Q. Okay. And when you switched from being

13:01:48 15 an employee to a 1099, was there any -- other than

13:01:54 16 the reduced hours, was there any change in the type

13:01:57 17 of work that you were doing?

13:02:01 18 A. No. Same thing, just not as much of it.

13:02:05 19 Q. Okay. And were you working any other

13:02:08 20 jobs at the time?

13:02:09 21 A. No.

13:02:11 22 Q. Okay. So between 2010 and 2017, you

13:02:15 23 were just working for Mr. Laura?

13:02:17 24 A. Yes.

13:02:24 25 Q. Okay. And let's see. When did you stop

13:02:28 1 working for Mr. Laura, if in fact you have stopped?

13:02:32 2 MR. O'CONNOR: For Pristec you're  
13:02:33 3 talking about?

13:02:37 4 MS. SPILLANE: Well, let me ask.

13:02:38 5 BY MS. SPILLANE:

13:02:39 6 Q. Have you been continuously working at  
13:02:42 7 Mr. Laura's direction since 2010?

13:02:45 8 MR. O'CONNOR: You're not to disclose  
13:02:48 9 your work for NVT. You can answer as it  
13:02:50 10 relates to Pristec.

13:02:51 11 A. Yes. As it relates to Pristec, I worked  
13:02:53 12 with him all the way until around 2018.

13:02:59 13 BY MS. SPILLANE:

13:02:59 14 Q. Okay. And when in 2018 did you stop  
13:03:03 15 doing work for Mr. Laura related to Pristec?

13:03:07 16 A. I'm not even sure of the exact date.  
13:03:09 17 I'm trying to think. Honestly, I'm not positive.  
13:03:17 18 I don't want to give you a false answer.

13:03:23 19 Q. And when were you last paid by Pristec  
13:03:25 20 for work related to Pristec or Innovative Crude  
13:03:32 21 Technologies?

13:03:32 22 A. In 2018. I'm not sure of the exact  
13:03:35 23 date, but definitely in 2018.

13:03:47 24 Q. Okay.

13:03:47 25 MS. SPILLANE: Kevin, how are you on

13:03:49 1 time? Do you have your lunch on its way  
13:03:51 2 or --

13:03:52 3 MR. O'CONNOR: No. We're going to run  
13:03:53 4 out, and then I'm going to make those copies  
13:03:55 5 of the texts. So I think we need to take a  
13:04:00 6 full hour, because I need 10 to 15 minutes to  
13:04:03 7 do the texts. Okay?

13:04:05 8 MS. SPILLANE: Okay. All right. So  
13:04:07 9 just give me another couple of minutes, and  
13:04:09 10 then we'll take a break in a few minutes.

13:04:11 11 BY MS. SPILLANE:

13:04:11 12 Q. All right. So I just want to make sure  
13:04:16 13 I understand how the driving responsibilities  
13:04:17 14 worked. I think you testified earlier that the car  
13:04:21 15 -- the truck that you drove was parked at  
13:04:26 16 Mr. Laura's residence.

13:04:28 17 Is that right?

13:04:28 18 A. Yes.

13:04:33 19 Q. Okay. And how is it that -- what was  
13:04:35 20 your working process? How did you know when he  
13:04:41 21 needed you to drive?

13:04:43 22 A. I was on call like all the time. Joe  
13:04:45 23 would just call and say, "Hey, this is what we're  
13:04:49 24 doing," or he would call the night before, "Hey,  
13:04:52 25 we're leaving at this time. Be ready," and then he

13:04:55 1 would come. We lived like five minutes from each  
13:04:58 2 other, so he would just come right over and we'd  
13:05:00 3 go.

13:05:01 4 Q. Okay. He would come and pick you up, is  
13:05:03 5 that right?

13:05:03 6 A. Yes.

13:05:03 7 Q. Okay. And then can you just state --  
13:05:09 8 which states do you recall having driven to with  
13:05:15 9 Mr. Laura for Pristec work?

13:05:17 10 A. Well, New Jersey, New York, Maryland.

13:05:26 11 We were down in D.C. several times. Connecticut,  
13:05:33 12 Pennsylvania. We were in more places than that. I  
13:05:39 13 just can't think of all of them, you know.

13:05:42 14 Q. Okay. And did you ever drive Mr. Laura  
13:05:44 15 for personal reasons?

13:05:47 16 A. No.

13:05:48 17 Q. Did you ever drive his family members?

13:05:51 18 A. No.

13:05:52 19 Q. Okay. Let's see. It's my understanding  
13:06:05 20 that Mr. Laura sometimes traveled outside of areas  
13:06:09 21 where he could -- where you could drive him, is  
13:06:12 22 that right?

13:06:12 23 A. Yes.

13:06:16 24 Q. Okay. And other than the two trips to  
13:06:19 25 Austria you mentioned, you did not accompany him on

13:06:22 1 those trips, is that right?

13:06:22 2 A. Yes, that is right.

13:06:28 3 Q. Okay. And what was your -- what would  
13:06:31 4 you be doing when Mr. Laura was on trips outside of  
13:06:36 5 your driving area, whether it was outside of the  
13:06:38 6 country or other states?

13:06:41 7 A. Whatever he needed. If he needed help  
13:06:43 8 with something back here -- most of the time, when  
13:06:49 9 he would go somewhere, that would be like my chance  
13:06:50 10 to have some time off. But there were many times  
13:06:53 11 where I had to do different things. Same stuff,  
13:06:55 12 though. I was always doing the same thing,  
13:06:59 13 driving, doing some computer work. But if he  
13:07:02 14 wasn't there, I didn't have access to his computer,  
13:07:05 15 so really I didn't do that while he was gone. It  
13:07:08 16 was basically like my few days off when I did take  
13:07:13 17 -- I loved those times.

13:07:16 18 Q. I'm sure.

13:07:18 19 And what about the truck, when Mr. Laura  
13:07:24 20 was out of town?

13:07:26 21 A. It stayed at his house.

13:07:31 22 Q. Okay. And let's see. Did Mr. Laura  
13:07:40 23 have his own car in addition to -- a second car in  
13:07:47 24 addition to the trucks that were in your wife's  
13:07:50 25 name?

13:07:51 1 A. No. That was his main -- that was his  
13:07:56 2 main mode of transportation.  
13:07:58 3 Q. Okay. So when he was using it for --  
13:08:04 4 when he was using the car for non-business  
13:08:06 5 purposes, you didn't drive him? He drove himself?  
13:08:09 6 A. Oh, yes. Yes.  
13:08:11 7 Q. Okay. Let's see. Were there times  
13:08:18 8 during the workweek when Mr. Laura told you, hey, I  
13:08:23 9 don't need you today because I'm doing work for  
13:08:26 10 some other business entity or something that wasn't  
13:08:29 11 related to Pristec?  
13:08:30 12 A. No. He didn't discuss those type of  
13:08:36 13 things with me. I mean, there were times when he  
13:08:39 14 was doing work I would imagine for Pristec and he  
13:08:41 15 didn't need me because there was nothing I could do  
13:08:43 16 to help him at that moment. But I don't know about  
13:08:45 17 other -- working for other stuff. I don't know  
13:08:48 18 anything about that.  
13:08:49 19 Q. Okay. Well, were you aware that  
13:08:56 20 Mr. Laura was an attorney during some of this time  
13:09:00 21 period?  
13:09:01 22 A. I didn't know. I didn't know he was an  
13:09:03 23 attorney. He told me he was an attorney in the  
13:09:06 24 past. I didn't know he was an attorney any time  
13:09:09 25 recently.

13:09:10 1 Q. Okay. And are you aware of whether he  
13:09:13 2 did any work related to his position as an attorney  
13:09:17 3 during the time period when you were working for  
13:09:20 4 him?

13:09:20 5 A. No. Not that I'm aware of.

13:09:24 6 Q. Okay. So you can't -- were there any  
13:09:30 7 instances where he said, you know, I have to go  
13:09:32 8 help with a mediation for my other business and so  
13:09:37 9 I don't need you tomorrow, or anything like that?

13:09:39 10 A. No. No. He didn't really explain -- he  
13:09:43 11 didn't explain too much to me. If he said, "I have  
13:09:44 12 to go do something else," I was like, thank you,  
13:09:50 13 good luck.

13:09:50 14 Q. Okay. Did he explain to you the purpose  
13:09:53 15 of whatever -- when he would say come tomorrow, we  
13:09:58 16 need to drive here, did he explain to you what the  
13:10:00 17 purpose was in every instance?

13:10:04 18 A. No. No, not at all. Not in every  
13:10:08 19 instance. I mean, he'd say this is where we need  
13:10:11 20 to go. Okay. I didn't ask questions. I'd get in  
13:10:13 21 the car and go drive him. I'm sure there are times  
13:10:16 22 where he said, oh, yes, we're going to see this  
13:10:17 23 person for whatever. But I wouldn't remember  
13:10:19 24 specific stuff because it was just like, "Hey, pick  
13:10:22 25 you up at 6:00 in the morning. We probably won't

13:10:26 1 be home until 10:00. You ready to go?" "Yes, I'm  
13:10:31 2 ready."

13:10:32 3 Q. Okay. And so were there times when he  
13:10:34 4 would just tell you where you're going but not  
13:10:39 5 specifically what the purpose was of where you were  
13:10:40 6 going?

13:10:41 7 A. A lot of the time.

13:10:49 8 MS. SPILLANE: Okay. All right. I  
13:10:50 9 think this is a good time for us to take a  
13:10:52 10 break, so we'll go off the record. Kevin, I  
13:10:56 11 think you said you need an hour?

13:10:56 12 MR. O'CONNOR: Yes. We'll be back at  
13:11:09 13 2:10, looks like 2:11 or so. And in the  
14 meantime, we'll eat something, and I'll try  
15 to get you those texts. Okay?

16 MS. SPILLANE: Okay.

17 MR. O'CONNOR: I'm not going to tell you  
18 that they're too exciting, but I'll get them  
19 to you. All right.

20 MS. SPILLANE: Okay. Thank you. I  
13:11:11 21 appreciate it.

13:11:30 22 THE VIDEOGRAPHER: And we're going off  
13:11:31 23 the record at 1:11 p.m.

13:13:14 24 (Lunch recess: 1:11 p.m.)

25

13:13:14 1 AFTERNOON SESSION

14:11:30 2 2:12 p.m.

14:11:30 3 THE VIDEOGRAPHER: And we're back on the

14:12:19 4 record at 2:12 p.m.

14:12:21 5

14:12:21 6 EXAMINATION CONTINUED

14:12:21 7 BY MS. SPILLANE:

14:12:22 8

14:12:24 9 Q. Mr. Martelli, before we went on the

14:12:29 10 lunch break, we had talked a little bit about your

14:12:35 11 duties as a driver for Mr. Laura. And in

14:12:40 12 particular, you mentioned that when there were

14:12:44 13 meetings with Anthony Posio, that you would often

14:12:50 14 leave and just go someplace else.

14:12:52 15 Do you remember that?

14:12:53 16 A. Yes.

14:12:59 17 Q. Okay. And you also said generally that

14:13:01 18 you would drive Mr. Laura to meetings and sometimes

14:13:10 19 would not be participating in them?

14:13:14 20 A. Yes.

14:13:14 21 Q. Is that correct?

14:13:15 22 A. Yes.

14:13:15 23 Q. Okay. So I wanted to ask, as a general

14:13:18 24 matter, if you were driving Mr. Laura to meetings

14:13:25 25 let's say in Manhattan, what were the logistics of

14:13:30 1 how that would work once you arrived at the  
14:13:34 2 location where Mr. Laura had instructed you to  
14:13:36 3 drive?

14:13:39 4 A. Most of the time, just trying to find a  
14:13:42 5 place to park, waiting outside for him to come out.

14:13:47 6 Q. Okay. And you mentioned that sometimes  
14:13:51 7 there were meetings -- days that were 6:00 a.m. to  
14:13:57 8 10:00 p.m.

14:13:57 9 So you would just be waiting outside for  
14:14:01 10 Mr. Laura for that entire time?

14:14:04 11 A. No. No. Most of the times, if that was  
14:14:07 12 the case, it was a meeting here, a meeting there,  
14:14:11 13 driving two hours here, an hour and a half back  
14:14:15 14 there, most of it was driving. I mean, there have  
14:14:17 15 been times where I sat in the car for longer  
14:14:21 16 periods. But most of the time, I'm trying to  
14:14:24 17 accomplish something else, whatever it is, while he  
14:14:26 18 was in that meeting. Whether it's going to Staples  
14:14:28 19 for him, whether it's running some copies,  
14:14:30 20 whatever. Anything that I could do to contribute.

14:14:36 21 Q. That also included -- I mean, about how  
14:14:40 22 much of the time would you say was filled with  
14:14:44 23 doing other work versus sitting and waiting for  
14:14:49 24 Mr. Laura?

14:14:49 25 A. Overall, I thought we already discussed

14:14:52 1 it. It was 80 percent driving, 20 percent working  
14:14:55 2 for that first year or so. So that's basically  
14:15:01 3 what it is, I mean...

14:15:04 4 Q. Okay. So the sitting in the car waiting  
14:15:07 5 for Mr. Laura, that goes into the driving bucket?

14:15:12 6 A. Yes.

14:15:12 7 Q. Is that right?

14:15:12 8 A. Yes.

14:15:13 9 Q. So when you said 80 percent driving, how  
14:15:19 10 much of that would you estimate was waiting for  
14:15:24 11 Mr. Laura?

14:15:26 12 A. Maybe 10 percent. Maybe 10 percent of  
14:15:32 13 the time, I would have to wait or -- yes.

14:15:34 14 Q. Okay. And was the parking paid parking  
14:15:39 15 or garages, street parking, what? How did that  
14:15:47 16 work?

14:15:48 17 A. You know, normally, I would find a  
14:15:53 18 place. I would drive until I found a place. So  
14:15:56 19 that way, he didn't have to pay anything for the  
14:15:58 20 parking. Maybe once or twice, I got paid parking.  
14:16:01 21 I mean, it was so rare. It was not fun, let's put  
14:16:04 22 it that way.

14:16:16 23 MS. SPILLANE: Okay. All right. So if  
14:16:19 24 you could just pull up Exhibit 234, please.

14:16:23 25 (Claimant's Exhibit 234, Photocopy of

14:16:23 1 Check, bearing Production Nos.  
14:16:23 2 SEC-Northfield-E 44, was marked for  
14:16:23 3 identification)

14:16:26 4 BY MS. SPILLANE:

14:16:27 5 Q. Are you ready?

14:16:48 6 A. Oh, yes. Yes.

14:16:50 7 Q. Okay. If you could just let me know  
14:16:52 8 when I ask you to pull up an exhibit if you're  
14:16:55 9 ready for questions or not. I don't know what you  
14:16:58 10 feel like you need to review.

14:17:01 11 Exhibit 234, do you recognize this  
14:17:05 12 exhibit?

14:17:07 13 A. Do I recognize it? I mean, I know that  
14:17:10 14 check to Ally. I don't know what that other 3,000  
14:17:14 15 is.

14:17:16 16 Q. Okay. And so was that a check that  
14:17:20 17 related to the car loans that you were discussing  
14:17:22 18 earlier in your testimony?

14:17:25 19 A. I believe so. The account number is  
14:17:27 20 right on there, so yes. That's the only thing we  
14:17:32 21 would have paid to Ally.

14:17:34 22 Q. Okay. You didn't have any other car  
14:17:36 23 loans with Ally under your wife's name?

14:17:39 24 A. No. No.

14:17:43 25 Q. Okay. And so sitting here today, you

14:17:45 1 look at that account number and you recognize it as  
14:17:47 2 the account number that related to the Chevy Tahoe  
14:17:55 3 truck you testified about earlier?

14:17:57 4 A. No. I don't recognize the account  
14:17:59 5 number per se, but for \$886, that's about how much  
14:18:03 6 the Tahoe cost.

14:18:08 7 Q. Okay. And when you say you know that's  
14:18:12 8 how much the Tahoe cost, do you mean -- how many --  
14:18:17 9 or with what frequency were the \$886 payments made?  
14:18:24 10 Was that a monthly payment?

14:18:25 11 A. Yes.

14:18:30 12 Q. Okay. And as far as you know -- you can  
14:18:31 13 see that it says Pristec America, Incorporated, at  
14:18:36 14 the top of the check, correct?

14:18:38 15 A. Yes.

14:18:42 16 Q. As far as you know, was Pristec paying  
14:18:43 17 the car loan from the inception of the loan?

14:18:50 18 A. You know what? I don't remember. I  
14:18:53 19 would just try and get the money for the car to get  
14:18:56 20 it paid. So maybe they were Pristec. Maybe it was  
14:19:00 21 in Joe Laura's name. I'm not 100 percent positive.

14:19:06 22 Q. Okay. Did you personally pay anything  
14:19:08 23 toward that car loan at any point?

14:19:14 24 A. I don't know if I wrote a check out of  
14:19:15 25 my account at one point. But no, I never paid any

14:19:19 1 of my own personal money for that car.

14:19:22 2 Q. Okay. And what about your wife, did she

14:19:24 3 pay any of her own money?

14:19:26 4 A. No.

14:19:26 5 Q. Okay. And did you have any -- were

14:19:32 6 there any agreements that you had with Mr. Laura

14:19:34 7 about the payments on the loan?

14:19:36 8 A. No. Verbal. Make the payments.

14:19:40 9 Q. And what was the -- sorry. I cut you

14:19:44 10 off. Can you just describe again what the

14:19:47 11 agreement was?

14:19:47 12 A. We didn't really have an agreement.

14:19:51 13 It's just like, "Joe, are you going to make these

14:19:55 14 payments?" "Yes." "Okay. Good."

14:19:58 15 Q. And the agreement was also that the loan

14:20:02 16 would be in your wife's name, correct?

14:20:04 17 A. Yes.

14:20:10 18 Q. Okay. And as far as you know, were

14:20:11 19 those loan payments always made?

14:20:13 20 A. You know what? There was a couple times

14:20:19 21 where he was late. And overall, the truck was paid

14:20:24 22 off at some point, but there was a couple of times

14:20:27 23 where there was a 30-day late on my wife's credit

14:20:30 24 that she wanted to kill me over.

14:20:33 25 Q. And did it get -- did those get paid

14:20:34 1 off?

A. Yes. Overall, they did, yes.

14:20:34 2

Q. Okay. And when the -- I think we may

14:20:37 3 have discussed this earlier, but what happened to

14:20:43 4 the truck once it was paid off? Was it then

14:20:45 5 transferred to Mr. Laura's name?

14:20:51 6

A. Yes. We did go over that already, but

14:20:53 7 I'm not really sure. I would imagine that it was,

14:20:57 8 because once it was paid off, I don't see why my

14:20:59 9 wife wouldn't have signed it over to him. I'm

14:21:03 10 pretty sure she did.

14:21:07 11

Q. Okay. And what about the insurance?

14:21:08 12

Once it was paid off, was then the insurance

14:21:12 13 transferred to Mr. Laura's name?

14:21:15 14

A. Yes. That would have been, because we

14:21:16 15 didn't keep paying it.

14:21:19 16

Q. Okay. And this check is from November

14:21:24 17

of 2010.

14:21:25 18

A. Right.

14:21:29 19

Q. Would this have also applied to -- and I

14:21:29 20

think your testimony was that that was the -- that

14:21:33 21

would have been first the black Chevy Tahoe, is

14:21:36 22

that right?

14:21:42 23

A. Yes, that was. So that would have been

14:21:42 24

the black one.

14:21:46 25

14:21:47 1 Q. Okay. And then the white Chevy Tahoe,  
14:21:52 2 was that also paid through -- was that a loan with  
14:21:55 3 Ally Financial?

14:21:56 4 A. I'm not 100 percent sure. I feel like  
14:22:00 5 it was, but I'm not 100 percent sure.

14:22:05 6 Q. Okay. Okay. And that was also in your  
14:22:07 7 wife's name?

14:22:08 8 A. Yes.

14:22:09 9 Q. That loan? Okay.

14:22:12 10 A. And as far as you know, were the  
14:22:13 11 payments on that loan made by Pristec America?

14:22:17 12 A. Again, it was the same thing, like when  
14:22:19 13 it was time to make the payment. It was just like,  
14:22:22 14 you know, let's go. Where are we making this  
14:22:25 15 payment from? Maybe it was made from a bankcard.  
14:22:28 16 Maybe it was made from a check. Whatever we'd get  
14:22:30 17 the payment in on time, but I'm not sure exactly.

14:22:33 18 Q. Okay. Okay. And I think you testified  
14:22:37 19 also with respect to the white Chevy Tahoe that you  
14:22:41 20 weren't sure what happened to it, that truck, when  
14:22:46 21 it was paid off, when the loan was paid off, is  
14:22:49 22 that right?

14:22:49 23 A. Correct. Yes.

14:22:53 24 MS. SPILLANE: Okay. Can I have you  
14:22:54 25 pull up Exhibit 235, please?

14:22:58 1 (Claimant's Exhibit 235, Letter dated  
14:22:58 2 5/23/19 bearing Production Nos. SEC-LIBERTY-E  
14:23:05 3 1 through 57, was marked for identification)  
14:23:05 4 BY MS. SPILLANE:  
14:23:05 5 Q. And you can just turn to PDF 2.  
14:23:11 6 A. Okay.  
14:23:18 7 (Witness reviewing document).  
14:23:20 8 Okay.  
14:23:21 9 Q. On PDF 2, there's two vehicles listed as  
14:23:25 10 covered by the policy.  
14:23:27 11 Do you see that?  
14:23:28 12 A. Yes.  
14:23:28 13 Q. A 2012 Chevy Tahoe and a 2011 Honda  
14:23:36 14 Accord?  
14:23:36 15 A. Yes.  
14:23:37 16 Q. And whose car was the 2011 Honda Accord?  
14:23:43 17 A. The Honda Accord was in my wife's name.  
14:23:47 18 It's her car.  
14:23:48 19 Q. Okay. And was that -- I think you  
14:23:50 20 referenced in your testimony earlier that you and  
14:23:52 21 your wife shared a car.  
14:23:54 22 Is that the car you were referring to?  
14:23:59 23 A. Yes.  
14:24:01 24 Q. Okay. And both of these cars, both the  
14:24:05 25 -- and the Chevy Tahoe truck that's listed there,

14:24:09 1 was that the -- was that Mr. Laura's car that  
14:24:15 2 you've been referring to in today's testimony?

A. Yes. Yes.

14:24:18 3 Q. Okay. And so both of these cars are on

14:24:20 4 this same policy, correct?

A. Yes.

14:24:23 5 Q. Okay. And do you see where it says

14:24:29 6 named insured above that, where it says Katherine

14:24:30 7 Gardiner and Joseph Martelli?

14:24:31 8 A. Yes.

14:24:35 9 Q. Okay. And so I think before, I had

14:24:36 10 asked you whether Mr. Laura was on any of these --

14:24:37 11 well, let me just say directly.

14:24:37 12 So this is a Liberty Mutual insurance

14:24:43 13 policy for your car and Mr. Laura's car, correct?

14:24:44 14 A. Yes.

14:24:45 15 Q. And I think you had said earlier that

14:24:49 16 you weren't sure whether Mr. Laura was listed on

14:24:52 17 that policy. And does this refresh your

14:24:56 18 recollection as to whether he was or was not?

A. Yes.

14:25:04 19 Q. Okay. And so does it appear to you that

14:25:07 20

14:25:09 21

14:25:12 22

14:25:17 23

14:25:20 24

14:25:24 25

he was not actually listed on that policy?

A. Yes.

MS. SPILLANE: Okay. If I could ask you to turn to Exhibit 236, please.

(Claimant's Exhibit 236, Liberty Mutual Letter and Policy bearing Production Nos. SEC-LIBERTY-E 58 through 408, was marked for identification)

BY MS. SPILLANE:

Q. Again, PDF 2 of Exhibit 236.

A. Okay.

Q. The vehicles covered by the policy in this case appear to be a Chevy Tahoe and a Ford F150.

Do you see that?

A. Yes.

Q. And whose car was the Ford F150, if you know?

A. That was our truck that we brought here when we moved here from St. Louis -- or that my wife brought here from St. Louis.

Q. Okay. So that was not Mr. Laura's vehicle, is that right?

A. No. No.

Q. Okay. But the Chevy Tahoe listed above

14:26:39 1 it was one of the Chevy trucks that were  
14:26:46 2 Mr. Laura's, is that right?  
14:26:46 3 A. Yes.  
14:26:51 4 Q. Okay. Was there -- given that both your  
14:26:55 5 personal car and Mr. Laura's car were listed in the  
14:26:58 6 same policy, was there an agreement as to -- as to  
14:27:04 7 whether to proportion out the payments for the  
14:27:08 8 policy?  
14:27:11 9 A. An agreement, no. It was just I would  
14:27:13 10 pay mine and he'd pay his. No agreements.  
14:27:18 11 Q. Okay. And how did you know which was  
14:27:20 12 which?  
14:27:20 13 A. Well, if you look under, it says vehicle  
14:27:23 14 1, vehicle 2. I mean, that's how you can tell  
14:27:32 15 which vehicle is insured for how much.  
14:27:34 16 Q. Okay. So can you describe how it worked  
14:27:39 17 with you and Mr. Laura to understand what he was  
14:27:41 18 paying and what you would be responsible for? Did  
14:27:41 19 you have a conversation on a monthly basis or  
14:27:47 20 how --  
14:27:47 21 A. Joe was paying the full amount. Okay.  
14:27:51 22 Joe was paying the full amount on his car, on the  
14:27:58 23 Tahoe that he was using. And we were paying the --  
14:27:59 24 in particular years, it was an \$800 premium for the  
14:28:02 25 Ford. That's what we would pay on our end.

14:28:05 1 Q. Okay. And so those payments -- so  
14:28:09 2 partial payments would come out of -- would they  
14:28:11 3 come out of your wife's account or your account?

14:28:14 4 A. Probably both. I mean, maybe mostly out  
14:28:18 5 of her account because -- but we both paid bills  
14:28:22 6 and everything from both of our accounts.

14:28:25 7 Q. Okay. So it's your testimony that  
14:28:28 8 Mr. Laura was not paying for any portion of the  
14:28:33 9 insurance that was attributable to your personal  
14:28:35 10 car, is that right?

14:28:37 11 A. No. He didn't pay for my car.

14:28:43 12 Q. If you could turn to PDF page 4 of  
14:28:50 13 Exhibit 236. And at the top, there's a reference  
14:29:05 14 to the loss payee on vehicle 1 as Ally Financial.

14:29:09 15 Do you see that?

14:29:10 16 A. Yes.

14:29:13 17 Q. Okay. And is that an indication that  
14:29:18 18 Ally Financial was the lender for vehicle 1, which  
14:29:21 19 is the Chevy truck?

14:29:24 20 A. Yes. So it looks like we kept it -- the  
14:29:29 21 second one was Ally as well, it looks like, I  
14:29:33 22 think.

14:29:33 23 Q. Sorry. The second vehicle you mean or  
14:29:38 24 the second --

14:29:38 25 A. No. The second Tahoe.

14:29:41 1 Q. I see.

14:29:42 2 Well, just to clarify, if you look at

14:29:44 3 the top of the page, PDF page 2, there's an

14:29:50 4 indication on Exhibit 236 that it relates to the

14:29:53 5 policy period of 2010 -- October 2010 through

14:29:58 6 October 2011.

14:30:02 7 A. Okay.

14:30:03 8 Q. And Exhibit 235 appears to be 2012

14:30:08 9 through 2013.

14:30:13 10 A. Okay.

14:30:14 11 Q. Does that comport with your recollection

14:30:18 12 that the loss payee on the first -- that the lender

14:30:20 13 on the first truck was Ally Financial?

14:30:24 14 A. Yes, I think so.

14:30:28 15 Q. Okay. And also on the second truck?

14:30:32 16 A. I believe it was Ally Financial.

14:30:40 17 Q. Okay. I believe you testified that

14:30:41 18 Mr. Laura didn't have any other vehicle he was --

14:30:48 19 any other personal vehicle, is that right?

14:30:50 20 A. No. I mean, he couldn't get a car

14:30:53 21 because of his credit.

14:30:59 22 Q. Okay. So if you could -- on Exhibit

14:31:05 23 236, if you could scroll to PDF 336, I'll represent

14:31:25 24 to you this was a composite document that was

14:31:27 25 produced to us this way by the producing party,

14:31:31 1 so --

14:31:32 2 A. Okay.

14:31:33 3 Q. -- it's from a number of different time  
14:31:36 4 periods. You should feel free to scroll through as  
14:31:39 5 many pages as you need.

14:31:41 6 A. What is this? I don't even understand  
14:31:43 7 what some of this says.

14:31:46 8 Q. Yes. I mean, you can feel free to  
14:31:50 9 scroll through, but I will -- I can say I'll  
14:31:54 10 represent to you that they appear to be -- they  
14:31:58 11 appear to be notes of communications between the  
14:32:04 12 insurer and the customer. But you can look through  
14:32:08 13 and tell me if they refresh your recollection as to  
14:32:12 14 any communications you might have had with -- you  
14:32:16 15 or your wife might have had with the insurer on  
14:32:21 16 this policy.

14:32:23 17 MR. O'CONNOR: I'm just going to object  
14:32:24 18 to the question to the extent that you're  
14:32:27 19 testifying about what the document is. He's  
14:32:30 20 certainly welcome to look at it and tell you  
14:32:34 21 whether he's seen it and whether it refreshes  
14:32:36 22 his recollection.

14:32:37 23 A. I don't recall any of that. I mean,  
14:32:41 24 I don't know. I don't know technically what this  
14:32:41 25 is.

14:32:45 1 BY MS. SPILLANE:

14:32:45 2 Q. Okay.

14:32:49 3 A. I don't understand what the point of  
14:32:50 4 this is here or what I'm supposed to be answering  
14:32:54 5 here.

14:32:55 6 Q. Yes. That's because I haven't asked a  
14:32:57 7 question yet, other than to invite you to review  
14:33:02 8 the document, and then your lawyer placed an  
14:33:05 9 objection onto the record. So I will now ask you  
14:33:09 10 to direct your attention to the entry that appears  
14:33:12 11 to be related to October 12, 2014.

14:33:18 12 Do you see that?

14:33:18 13 MR. O'CONNOR: Which page are we looking  
14:33:21 14 at?

14:33:22 15 MS. SPILLANE: On PDF page 336.

14:33:29 16 A. (Witness reviewing document).

14:33:35 17 2014.

14:33:37 18 MR. O'CONNOR: What's the date again?

14:33:39 19 BY MS. SPILLANE:

14:33:39 20 Q. For 10/12/2014.

14:33:42 21 A. Yes, I see it.

14:33:44 22 Q. At 11:27 a.m.

14:33:45 23 Okay. So there seems to be a reference  
14:33:49 24 there to a canceled policy. Do you see that?

14:33:52 25 A. I guess, yes.

14:33:55 1 Q. "CANX POL," and then a few backslashes,  
14:34:00 2 and it then says "Rates, GEICO," and then two  
14:34:05 3 backslashes, "CANX EFF 10/14."  
14:34:09 4 Do you see that?  
14:34:10 5 A. Yes.  
14:34:16 6 Q. Okay. Do you have a recollection of  
14:34:18 7 canceling this Liberty Mutual insurance policy in  
14:34:27 8 or around October of 2014?  
14:34:28 9 A. I don't know the date, but we definitely  
14:34:32 10 stopped using Liberty Mutual, and I think we went  
14:34:35 11 to GEICO.  
14:34:37 12 Q. Okay. And do you think that that was  
14:34:38 13 around October of 2014?  
14:34:44 14 A. I don't want to say. I'm not sure, but  
14:34:46 15 it sounds about -- it could be right. Yes.  
14:34:51 16 Q. Okay. And so do you have -- I just want  
14:34:56 17 to make sure I understand your testimony.  
14:34:58 18 Do you recall moving -- that this car  
14:35:00 19 insurance was moved from Liberty Mutual to GEICO,  
14:35:03 20 apart from the document?  
14:35:09 21 A. Yes. Yes. I recall changing from  
14:35:11 22 Liberty Mutual to GEICO. My wife did it, but I  
14:35:14 23 recall me getting stuff in the mail from GEICO,  
14:35:17 24 so...  
14:35:18 25 Q. Okay. And did that also include the --

14:35:22 1 Mr. Laura's truck?

14:35:25 2 A. I would imagine it did, yes. We  
14:35:28 3 wouldn't leave him behind, because you get a  
14:35:33 4 discount if you have both cars, so I'm sure we  
14:35:36 5 brought him to GEICO, too.

14:35:38 6 Q. Okay. And did the payment arrangements  
14:35:40 7 with respect to Mr. Laura's -- the insurance on  
14:35:44 8 Mr. Laura's truck, did that also follow when the  
14:35:49 9 policy moved to GEICO?

14:35:56 10 A. Yes.

14:35:57 11 Q. Okay. And so when the policy moved to  
14:35:58 12 GEICO, Mr. Laura was handling the payments for his  
14:36:03 13 truck?

14:36:04 14 A. Yes.

14:36:06 15 Q. Okay. If I could ask you to turn back  
14:36:14 16 to page 3 -- and, sorry, just to confirm, did that  
14:36:21 17 understanding remain throughout the entire period  
14:36:25 18 that that -- that Mr. Laura was using that truck?

14:36:30 19 A. Yes.

14:36:31 20 Q. Okay. And do you know at what point, if  
14:36:37 21 ever, you stopped paying for the insurance on -- I  
14:36:43 22 mean, he stopped paying for the insurance on that  
14:36:45 23 truck through a policy associated with your wife?

14:36:49 24 A. No. It would have been -- it would have  
14:36:53 25 been after he paid off the truck at some point.

14:36:55 1 I'm sure it wasn't -- I'm sure it was right after  
14:36:58 2 he paid off the truck.

14:36:59 3 Q. Okay. If I could ask you to turn to  
14:37:06 4 page PDF 3 of Exhibit 236.

14:37:25 5 MR. O'CONNOR: Yes.

14:37:28 6 MS. SPILLANE: I'm sorry. Hold on one  
14:37:30 7 second.

14:37:32 8 I'm sorry. Actually, I'll have you open  
14:37:50 9 up Exhibit 237.

14:37:51 10 (Claimant's Exhibit 237, Liberty Mutual  
14:37:51 11 Statement of Account bearing Production Nos.

14:37:51 12 SEC-LIBERTY-E 434 through 468, was marked for  
14:37:52 13 identification)

14:37:59 14 BY MS. SPILLANE:

14:37:59 15 Q. And it will again be PDF page 3.

14:38:26 16 A. (Witness reviewing document).

14:38:26 17 Okay.

14:38:27 18 Q. Okay. Do you see there's a reference to  
14:38:29 19 payment detail on that page --

14:38:30 20 A. Yes.

14:38:32 21 Q. -- to a Visa ending in 8486?

14:38:37 22 Do you see that?

14:38:38 23 A. Yes.

14:38:39 24 Q. Do you know whether that's a payment  
14:38:43 25 that was -- whether that was a Visa that was

14:38:48 1 associated with you or with someone else?

14:38:52 2 A. I don't remember. I don't think that's

14:38:55 3 mine.

14:38:58 4 Q. Okay. So would that have been a payment

14:38:59 5 that Mr. Laura made on -- into the policy?

14:39:04 6 A. It may have been. It would either be

14:39:08 7 him or us, so I don't know. I don't remember a

14:39:13 8 Visa.

14:39:15 9 Q. Okay. And can you turn to the next

14:39:17 10 page, PDF page 4?

14:39:25 11 A. Okay.

14:39:27 12 Q. And that's a check from -- a copy of a

14:39:28 13 check from Innovative Crude Technologies

14:39:33 14 Incorporated.

14:39:34 15 A. Okay.

14:39:34 16 Q. Do you see that?

14:39:35 17 A. Yes.

14:39:35 18 Q. For \$2,050?

14:39:39 19 A. Yes.

14:39:40 20 Q. Okay. And if you scroll up to -- back

14:39:44 21 up to page 2, you can see a listing of that check

14:39:53 22 on -- associated with October 21, 2013.

14:39:57 23 Do you see that?

14:39:58 24 A. Yes.

14:40:03 25 Q. That seems to be a large proportion of

14:40:06 1 the amount owing for that year from Innovative  
14:40:13 2 Crude Technologies.

14:40:14 3 A. Okay.

14:40:16 4 MR. O'CONNOR: Was that a testimony or  
14:40:17 5 was that a question?

14:40:19 6 MS. SPILLANE: Excuse me. Excuse me.

14:40:19 7 BY MS. SPILLANE:

14:40:19 8 Q. Was there a point where the arrangement  
14:40:22 9 in terms of how much Mr. Laura was paying on the  
14:40:27 10 policy changed in 2013?

14:40:31 11 A. No.

14:40:33 12 Q. Okay. And so do you know how it came  
14:40:35 13 about that \$2,050 was paid on the policy in October  
14:40:40 14 of 2013 by Innovative Crude Technologies?

14:40:45 15 A. No. I mean, it was paying -- it could  
14:40:48 16 be a number of reasons. It could be that Pristec  
14:40:52 17 or Innovative Crude owes me like 10 trillion  
14:40:57 18 dollars. It could just be that Joe put a certain  
14:40:59 19 amount up on one check and I'm getting taxed. But  
14:41:02 20 it could have been a million different things. I  
14:41:05 21 don't know. I mean...

14:41:05 22 Q. Okay. Were any of those million things  
14:41:07 23 documented in any way?

14:41:09 24 A. No. None of them.

14:41:13 25 Q. Okay. And do you have any recollection

14:41:14 1 of which one of those things it might have actually  
14:41:17 2 been?

14:41:21 3 A. No.

14:41:22 4 Q. Okay. And if it was a payment that was  
14:41:24 5 made in lieu of compensation to you, do you know  
14:41:28 6 whether it was included in payroll documentation --

14:41:31 7 A. No.

14:41:32 8 Q. -- about your compensation?

14:41:33 9 A. No.

14:41:34 10 Q. Okay. Do you recall receiving similar  
14:41:41 11 documents like this from the GEICO the policy while  
14:41:48 12 it was still being billed to you and your wife?

14:41:51 13 A. No.

14:41:54 14 Q. Okay. If you scroll down to page 15, in  
14:42:01 15 Exhibit 237, there's another large check written  
14:42:18 16 out of the Pristec America, Incorporated, account.

14:42:20 17 Do you see that?

14:42:21 18 A. Yes.

14:42:21 19 Q. Okay. And on PDF page 24 -- and that  
14:42:30 20 check is for October 2012.

14:42:34 21 Do you see that?

14:42:35 22 A. Yes.

14:42:40 23 Q. Okay. Do you have any understanding as  
14:42:44 24 to why the payment in 2012 was made from a Pristec  
14:42:48 25 America account and the payment in 2013 was made

14:42:50 1 from an Innovative Crude Technologies account?

14:42:54 2 A. I have no idea. No clue.

14:42:54 3 Q. Okay.

14:43:10 4 A. Look, that one was written by me.

14:43:18 5 Another one by me. That's my wife.

14:43:41 6 Q. And if you could look -- sorry -- at PDF

14:43:47 7 27, do you see that? It's a check on Pristec

14:43:57 8 America from September 27th, 2011. Do you see

14:44:00 9 that?

14:44:00 10 A. Yes.

14:44:01 11 Q. Okay. And if you scroll to page 26,

14:44:07 12 you'll see that the renewal premium was \$2,962 and

14:44:22 13 \$2,199 was paid by Pristec America.

14:44:26 14 Do you see that?

14:44:27 15 A. Yes.

14:44:27 16 Q. Okay. Did that refresh your

14:44:31 17 recollection at all as to what the agreement was in

14:44:35 18 terms of --

14:44:36 19 A. No. No.

14:44:38 20 Q. -- what Mr. Laura was directing payments

14:44:41 21 for with respect to this policy?

14:44:43 22 A. No.

14:44:45 23 Q. Okay. All right. Let's see. So are

14:44:53 24 you aware of any other insurance company after

14:44:56 25 GEICO that was insuring Mr. Laura's truck?

14:45:01 1 A. No.

14:45:01 2 Q. Okay. And when you were reviewing your

14:45:09 3 files for documents responsive to the SEC's

14:45:13 4 subpoena, did you review for documents related to

14:45:19 5 the GEICO policy?

14:45:22 6 A. No. I don't have any.

14:45:26 7 MR. O'CONNOR: You said what? What did

14:45:28 8 you say?

14:45:28 9 THE WITNESS: I don't have any of that.

14:45:30 10 MR. O'CONNOR: I'd appreciate it if you

14:45:32 11 let him finish, please.

14:45:39 12 BY MS. SPILLANE:

14:45:39 13 Q. While you were driving for Mr. Laura,

14:45:42 14 how were expenses paid on the -- expenses related

14:45:46 15 to the vehicle paid?

14:45:50 16 A. I don't know. Cash. I mean, a lot of

14:45:55 17 it is cash. I couldn't tell you what each expense

14:45:59 18 was paid with, but I would just -- he's always

14:46:03 19 putting cash out, so...

14:46:05 20 Q. Who's he?

14:46:07 21 A. What?

14:46:10 22 Q. Who is the "he"? You said he was always

14:46:13 23 putting cash out. Who's he?

14:46:16 24 A. Oh, Joseph Laura.

14:46:19 25 Q. Okay. Did you ever put out cash for any

14:46:23 1 expenses related to the car?

14:46:25 2 A. No.

14:46:28 3 Q. Okay. And were there -- did you ever

14:46:32 4 put out -- make payments on a credit card or by

14:46:36 5 check related to either of those cars, other than

14:46:40 6 what we've --

14:46:40 7 A. I have no clue.

14:46:42 8 Q. -- already talked about with the

14:46:43 9 insurance?

14:46:44 10 A. I don't remember. I don't know these

14:46:45 11 things. I mean, I don't remember.

14:46:54 12 Q. Okay. Was part of your job to keep

14:46:56 13 track of maintenance or other expenses related to

14:46:59 14 the car?

14:47:00 15 A. No.

14:47:03 16 Q. Do you know if Mr. Laura kept track of

14:47:08 17 expenses related to the car?

14:47:09 18 A. I wouldn't know.

14:47:14 19 Q. Okay. What about gas? Was it also part

14:47:16 20 of your job to fill the car with gas on occasion?

14:47:21 21 A. Yes. If the car ran low on gas, we

14:47:27 22 would stop at the gas station and fill up the gas

14:47:31 23 tank.

14:47:32 24 Q. Okay. And who paid for that?

14:47:34 25 A. Joseph Laura.

14:47:38 1 Q. Okay. With cash or credit cards or --  
14:47:44 2 A. If I had to give my best recollection, I  
14:47:47 3 would say he used mostly cash.  
14:47:50 4 Q. Okay. If he was using the car, he would  
14:47:57 5 be -- you wouldn't be necessarily aware of -- if  
14:48:01 6 you weren't there with him when he was using the  
14:48:04 7 car, you wouldn't be aware of how he was paying for  
14:48:06 8 that, is that correct?  
14:48:07 9 A. Yes, that is correct. If he was by  
14:48:11 10 himself, I wouldn't know how he paid for the gas.  
14:48:14 11 Q. Okay. And did you keep track of how  
14:48:18 12 often the car was filled?  
14:48:20 13 A. I didn't keep track of anything, but I  
14:48:23 14 would say that we had to fill that truck up, seemed  
14:48:29 15 like every day.  
14:48:31 16 Q. Okay. But you didn't keep track?  
14:48:34 17 A. No.  
14:48:35 18 Q. Confirming?  
14:48:35 19 A. No.  
14:48:36 20 Q. Okay. All right. So I wanted to switch  
14:48:41 21 gears a little bit to talk about the other duties  
14:48:46 22 that you had as a helper.  
14:48:55 23 I think you've kind of described  
14:48:58 24 generally that you sometimes went to Staples and  
14:49:02 25 made copies and you sometimes fixed PowerPoints.

14:49:08 1                   Were there other jobs that you did?

14:49:10 2                   MR. O'CONNOR: Objection. Asked and

14:49:11 3                   answered.

14:49:11 4                   You can answer again.

14:49:14 5                   THE WITNESS: I should answer?

14:49:15 6                   MR. O'CONNOR: You've answered it many

14:49:17 7                   times. Just go ahead and answer it again.

14:49:18 8                   A. Yes. I mean, it's the same thing that I

14:49:22 9                   told you before. I mean, I can't remember every

14:49:26 10                  little thing I did for Joe, but that's basically

14:49:29 11                  what I did, helped him with his core computer

14:49:33 12                  skills and would run around to Staples, to FedEx,

14:49:39 13                  whatever it was, yes.

14:49:40 14                  BY MS. SPILLANE:

14:49:40 15                  Q. Okay. So we have would run around to

14:49:43 16                  Staples. We have would run around to FedEx. And

14:49:48 17                  you would help him with PowerPoints I think is what

14:49:52 18                  you provided some details before.

14:49:58 19                  What other of the core computer skills

14:50:02 20                  did you help for Mr. Laura?

14:50:04 21                  A. That's it.

14:50:09 22                  Q. Okay. What kind of PowerPoints did you

14:50:11 23                  help him with?

14:50:14 24                  A. I helped him with whatever he needed.

14:50:19 25                  Q. Okay. I'm just asking for any other

14:50:21 1 examples you have besides helping him with a  
14:50:24 2 PowerPoint with the computer.

14:50:27 3 A. I don't know. If I -- I didn't keep  
14:50:29 4 track of everything I ever did for him. I mean, if  
14:50:31 5 he needed help with something, I helped him,  
14:50:35 6 whatever it was. If it had to do with the  
14:50:36 7 computer, if it had to do with going somewhere, if  
14:50:39 8 it had to do with dropping something off for him,  
14:50:42 9 shipping something out, making copies, whatever it  
14:50:44 10 was, I was moving around a lot. That's all I can  
14:50:49 11 say.

14:50:49 12 Q. Okay. I'm just asking for any other  
14:50:53 13 details that you can recall besides the ones that  
14:50:56 14 you've mentioned.

14:50:56 15 A. That's it.

14:50:57 16 Q. It sounds like you can't recall any  
14:51:00 17 other details, is that right?

14:51:01 18 A. Yes, that's right.

14:51:02 19 Q. Okay. And I don't want to characterize  
14:51:07 20 your testimony. I just want to have it clear,  
14:51:10 21 but -- and it's also true that there were no  
14:51:13 22 records kept of the tasks that you did, is that  
14:51:19 23 right?

14:51:19 24 A. No. No records.

14:51:22 25 Q. Okay. And I think we discussed this

14:51:25 1 with reference to investor contracts, but did you  
14:51:30 2 have any general responsibilities with respect to  
14:51:32 3 file management for Mr. Laura?

14:51:34 4 A. No.

14:51:38 5 Q. Okay. So did you ever go with him to  
14:51:42 6 some kind of like file storage location, any sort  
14:51:46 7 of warehouse or anything like that?

14:51:47 8 A. No. I went with him to Staples, Office  
14:51:52 9 Depot, Office Max. That's about it.

14:51:52 10 Q. Sure.

14:51:54 11 A. No storage locations.

14:51:58 12 Q. Okay. And are you aware of where  
14:52:00 13 Mr. Laura kept -- if Mr. Laura kept any files,  
14:52:06 14 paper files with respect to Pristec America?

14:52:10 15 A. I would say he kept them in his home  
14:52:13 16 office.

14:52:16 17 Q. Okay. And his home office in -- at his  
14:52:20 18 home in New Jersey, correct?

14:52:21 19 A. Sure. Yes.

14:52:22 20 Q. Okay. And you're not aware of any other  
14:52:26 21 location where he might have been keeping paper  
14:52:30 22 files, is that right?

14:52:31 23 A. No. I'm not aware.

14:52:37 24 Q. Okay. And, again, I know that we asked  
14:52:40 25 this with respect to investors, but I wanted to

14:52:42 1 talk more broadly about business meetings that were  
14:52:46 2 not with investors.

14:52:47 3 Did you ever attend any of those?

14:52:51 4 Setting aside the two trips to Austria.

14:52:54 5 A. You said business meetings that weren't  
14:52:57 6 with investors? What did you say? I'm sorry.

14:52:59 7 Q. Right. I think we talked specifically

14:53:01 8 about investor meetings previously. And my

14:53:04 9 recollection of your testimony was that you said

14:53:08 10 that you did not attend any of those meetings and

14:53:11 11 that on some occasions with respect to Anthony

14:53:18 12 Posio, you specifically left when there was Pristec

14:53:22 13 investor information being discussed.

14:53:23 14 Did I recall your testimony correctly?

14:53:30 15 A. Yes.

14:53:31 16 Q. And now I want to ask about other

14:53:32 17 business meetings.

14:53:33 18 Did you attend any other business

14:53:34 19 meetings besides the two in Austria that we talked

14:53:40 20 about before?

14:53:43 21 A. Business meetings, no, not really. I  
14:53:48 22 mean, not that I can think of.

14:53:50 23 Q. Okay. So you can't recall having  
14:53:53 24 attended any of them?

14:53:54 25 A. No, not really.

14:54:01 1 Q. Okay. I just want to make sure that you  
14:54:02 2 don't -- when you say not really, that you don't --  
14:54:04 3 you're not having -- you don't have some  
14:54:04 4 recollection of having attended some business  
14:54:06 5 meetings that you might want to testify about.

14:54:11 6 A. No, nothing that I can think about right  
14:54:14 7 now. I mean, to be honest with you. Most of the  
14:54:16 8 time, I was always outside whenever he was talking  
14:54:18 9 business or doing whatever, so...

14:54:21 10 Q. Got it. Okay.

14:54:25 11 And you said you didn't have any  
14:54:27 12 communications with investors and with respect to  
14:54:34 13 Pristec AG and Mr. Nuerk, the people that you met  
14:54:41 14 in Austria. Your communications were basically  
14:54:43 15 limited to that time when you were actually there  
14:54:45 16 in Austria.

14:54:46 17 Did I recall your testimony correctly  
14:54:52 18 about that?

14:54:53 19 A. Yes.

14:54:53 20 Q. Okay. And so the people or entities  
14:54:54 21 that were involved in other business meetings, not  
14:54:57 22 investors, not Austria, did you ever have any  
14:55:01 23 communications directly with any of those people,  
14:55:04 24 people involved in those meetings?

14:55:09 25 A. Can you repeat that question?

14:55:12 1 Q. Yes, I can. So did you have any direct  
14:55:16 2 communications with the people involved in  
14:55:17 3 Mr. Laura's business meetings that didn't relate --  
14:55:21 4 that weren't investor meetings and weren't the two  
14:55:23 5 trips to Austria?

14:55:24 6 A. No.

14:55:33 7 Q. Okay. All right. So with respect to  
14:55:35 8 salary, I think your testimony generally earlier  
14:55:37 9 was that you expected at the beginning that you  
14:55:43 10 were going to be paid \$5,000 a month, is that  
14:55:47 11 right?

14:55:47 12 A. Yes, before taxes.

14:55:54 13 Q. Okay. And was the pay to be based on  
14:55:56 14 hours or --

14:56:00 15 A. It was just basically whenever I need  
14:56:02 16 you -- whenever I need you, I need you. I don't  
14:56:07 17 want any excuses. If I need you to do work for me,  
14:56:10 18 then I need you to do work. And I said that's  
14:56:12 19 fine.

14:56:14 20 Q. Okay. And were there to be any bonuses  
14:56:18 21 or any other -- any compensations besides the  
14:56:24 22 \$5,000 a month?

14:56:25 23 A. No. Yes. When we hit it big, I was  
14:56:29 24 going to have a big position with the company.

14:56:32 25 Q. Okay. And what did you understand "a

14:56:34 1 big position with the company" to mean?

14:56:36 2 A. I'm sorry. I was kidding with that.

14:56:40 3 I'm just saying, yes, that was my hopes that one

14:56:43 4 day, if Pristec did something big, that I would

14:56:47 5 have a better position with the company and make

14:56:49 6 more money.

14:56:52 7 Q. And what kind of position would that

14:56:55 8 have been?

14:56:57 9 A. Any position that made more money. No

14:57:02 10 specific position in mind.

14:57:06 11 Q. Okay. Had you and Mr. Laura discussed

14:57:11 12 generally what that would entail?

14:57:13 13 A. No.

14:57:13 14 Q. Okay. And the assistant duties that you

14:57:23 15 were providing to Mr. Laura throughout -- from 2010

14:57:28 16 on, did they change or increase or grow in

14:57:37 17 complexity at all?

14:57:40 18 A. I'm sorry. I feel like I've heard all

14:57:42 19 these questions before, but can you repeat that?

14:57:45 20 Q. Did the duties change in complexity over

14:57:49 21 the years?

14:57:50 22 A. No.

14:57:51 23 Q. In other words, was Mr. Laura providing

14:57:53 24 you with additional experience that would have

14:57:58 25 allowed you to become more involved in the business

14:58:01 1 end of the company?

14:58:05 2 A. Not really.

14:58:07 3 Q. Okay. All right. I understand that you  
14:58:17 4 were paid -- I think you testified earlier that you  
14:58:19 5 received checks from Mr. Laura.

14:58:23 6 Was there ever any other way that you  
14:58:25 7 were paid your compensation?

14:58:31 8 A. No. I mean, no, not that I can think  
14:58:35 9 of. I didn't get paid what I was supposed to get  
14:58:39 10 paid from Pristec even, so...

14:58:43 11 Q. All right. And so just to ask a follow  
14:58:46 12 up about that, when you say you weren't paid what  
14:58:51 13 you were supposed to receive, what do you mean by  
14:58:53 14 that?

14:58:53 15 A. I just am saying I just feel like I did  
14:58:58 16 more work than I got paid for. I worked my butt  
14:59:04 17 off. Excuse me. I worked many hours, like I said,  
14:59:07 18 driving around, doing whatever. And when things  
14:59:09 19 didn't go so well for the company, I was willing to  
14:59:14 20 take one for the team and not get paid a lot, but I  
14:59:16 21 feel like I've done a lot of work for what I've  
14:59:19 22 been paid.

14:59:22 23 Q. Okay. I think, though, you testified  
14:59:25 24 earlier that you don't have any -- Mr. Laura or  
14:59:30 25 Pristec or the companies, they don't owe you any

14:59:33 1 money currently, is that right?

14:59:34 2 A. No. They don't technically owe me  
14:59:37 3 money.

14:59:40 4 Q. Is there some non-technical way that  
14:59:42 5 they owe you money? Is there some other kind of  
14:59:45 6 agreement that you have about money that you're  
14:59:47 7 owed?

14:59:48 8 A. No, there was no agreement. That's the  
14:59:51 9 problem.

14:59:54 10 Q. Okay. What do you mean that was the  
14:59:56 11 problem?

14:59:56 12 A. I just mean there was no agreement, so  
14:59:58 13 therefore I got paid what I got paid to do whatever  
15:00:03 14 I did.

15:00:06 15 Q. Okay. Do you have the perception that  
15:00:09 16 you were treated unfairly?

15:00:11 17 A. No. I know Joe did what he could do  
15:00:15 18 with the resources that he had, and I appreciated  
15:00:21 19 him keeping me around. I had faith in everything  
15:00:25 20 that he was doing at the company and everything  
15:00:27 21 that was going on and the stuff that I saw in  
15:00:29 22 Austria. So I really thought that in time, this  
15:00:32 23 company was going to be something very big and it  
15:00:34 24 was going to make a lot of people a lot of money.  
15:00:37 25 And, you know, just it hasn't worked out that way,

15:00:41 1 unfortunately. That's all. So I was willing to  
15:00:43 2 work and, you know, take whatever it was that Joe  
15:00:48 3 -- that Pristec could give me at that time. And I  
15:00:52 4 don't think I was treated unfairly, no. I just was  
15:00:57 5 hoping for me, how about that, in the end.

15:01:05 6 MS. SPILLANE: Understood. If you could  
15:01:06 7 pull up Exhibit 238, please.

15:01:11 8 (Claimant's Exhibit 238, Check  
15:01:11 9 Photocopies bearing Production Nos.  
15:01:11 10 SEC-Northfield-E 25 through 26, was marked  
15:01:11 11 for identification)

15:01:15 12 BY MS. SPILLANE:

15:01:16 13 Q. Let me know when you're ready.

15:01:17 14 A. Okay.

15:01:19 15 (Witness reviewing document).

15:01:22 16 MR. O'CONNOR: Can you see?

15:01:23 17 THE WITNESS: Yes. I think it says  
15:01:27 18 \$5,250. Yes, we're here.

15:01:33 19 BY MS. SPILLANE:

15:01:33 20 Q. Okay. If you scroll to -- I guess it's  
15:01:35 21 on the first page.

15:01:36 22 A. Yes.

15:01:37 23 Q. I apologize. It's a little unclear.

15:01:41 24 There's a cashier's check that appears  
15:01:45 25 to be written out to Gregory DelliSanti.

15:01:49 1 Do you see that?

15:01:50 2 A. Yes.

15:01:50 3 Q. Okay. And then below that, there's a

15:01:53 4 memo which is upside down, but it appears to read,

15:01:57 5 "Advancing money to employee to buy house."

15:02:01 6 Do you see that?

15:02:01 7 A. Yes, I do see that.

15:02:07 8 Q. Okay. And then on the second page,

15:02:08 9 there's a \$2,100 check to Coldwell Banker

15:02:08 10 Realtors --

15:02:08 11 A. Okay. Yes.

15:02:17 12 Q. -- which also has an indication,

15:02:20 13 "Advancing money to employee to buy house?"

15:02:22 14 Do you see that?

15:02:23 15 A. Yes.

15:02:23 16 Q. Okay. Were those -- and we spoke about

15:02:28 17 Mr. DelliSanti earlier, and you said you had some

15:02:35 18 recollection that there was a payment made in

15:02:36 19 connection with your moving to New Jersey.

15:02:38 20 A. Yes. Yes.

15:02:39 21 Q. Is the payment to Mr. DelliSanti one

15:02:43 22 that was for your benefit for moving expenses --

15:02:47 23 A. Yes.

15:02:48 24 Q. -- or for -- okay.

15:02:50 25 A. Yes.

15:02:50 1 Q. Was there actually a house purchased?

15:02:53 2 A. No, not a house purchased. It was just

15:02:56 3 to move into the rental.

15:03:03 4 Q. Okay. Was the check to Coldwell Banker

15:03:07 5 Realtors also in relation to payment for your

15:03:10 6 rental?

15:03:10 7 A. Yes.

15:03:19 8 Q. Okay. And were there other -- seeing

15:03:20 9 these checks, does it refresh your recollection

15:03:21 10 about any other payments that may have been made on

15:03:24 11 your behalf in connection with your moving to New

15:03:30 12 Jersey?

15:03:30 13 A. No, that's it. He just helped me get

15:03:34 14 into the house, because I didn't have the 8,000 to

15:03:36 15 get in or whatever it was, 7,000.

15:03:49 16 MS. SPILLANE: Okay. All right. If you

15:03:49 17 could pull up Exhibit 239, please.

15:03:53 18 (Claimant's Exhibit 239, Check

15:03:53 19 Photocopies bearing Production Nos.

15:03:53 20 SEC-Northfield-E 33 through 43, was marked

15:03:53 21 for identification)

15:03:55 22 BY MS. SPILLANE:

15:03:55 23 Q. And I'll represent to you that this is a

15:03:58 24 document -- the first is a copy of the document

15:04:05 25 that we have with the Bates stamp on it. The

15:04:07 1 second is a native version of the PDF because the  
15:04:11 2 Bates stamped version is difficult to read.

15:04:17 3 A. Okay.

15:04:17 4 Q. But, Mr. O'Connor, you can find a copy  
15:04:20 5 of that document in your production at that Bates  
15:04:24 6 numbers. And the same goes for the second page of  
15:04:26 7 the exhibit, which is -- the first page is  
15:04:31 8 Northfield 33, and then second page is Northfield  
15:04:34 9 43.

15:04:39 10 A. Okay.

15:04:39 11 Q. So you can take a minute to look at  
15:04:42 12 these two pages. The first two pages are the same,  
15:04:45 13 and the second two pages are the same underlying  
15:04:48 14 document.

15:04:48 15 A. Okay. So I guess those were more checks  
15:04:52 16 that he gave me for moving.

15:04:55 17 Q. Okay. And is that because you're  
15:04:57 18 reading the memo line that indicates expense  
15:05:00 19 reimbursement for moving and other -- and expenses?

15:05:04 20 A. I can't really remember that far back,  
15:05:07 21 because it was so long ago. I mean, it was like  
15:05:10 22 10, 11 years ago. But I'm sure if I would have  
15:05:13 23 needed more help when I got here, I'm sure he would  
15:05:15 24 have helped me out at that time.

15:05:19 25 Q. Okay. And so do you have any

15:05:20 1 independent recollection of Mr. Laura making these  
15:05:28 2 payments to you in relation to moving?

15:05:33 3 A. Like I said, it's so long ago. I don't.  
15:05:38 4 But I'm sure he did. If it says it on there, then  
15:05:41 5 I'm sure that's what it is.

15:05:42 6 Q. Okay. Well, do you have any  
15:05:44 7 recollection of a different reason why he would  
15:05:47 8 have been making these payments to you?

15:05:49 9 A. No. No other reason.

15:06:01 10 Q. All right. So on page 2 -- or 1 or 2, I  
15:06:09 11 just wanted to ask if that's your signature  
15:06:12 12 endorsing the check.

15:06:14 13 THE WITNESS: She's talking about right  
15:06:16 14 here?

15:06:17 15 A. On Exhibit 239? I'm trying to...

15:06:19 16 BY MS. SPILLANE:

15:06:19 17 Q. Yes, on Exhibit 239.

15:06:21 18 A. Yes. I just want to make sure, because  
15:06:24 19 there's one thing in there. I really don't  
15:06:27 20 recognize it. But, yes, on the back of those  
15:06:29 21 checks is my signature, yes.

15:06:30 22 Q. Okay. And so at the time, you had a  
15:06:32 23 bank account at Valley National Bank, which is  
15:06:35 24 stamped on the endorsed side of the check?

15:06:37 25 A. Yes.

15:06:46 1 MS. SPILLANE: Okay. If you could pull  
15:06:47 2 up Exhibit 240, please.  
15:06:52 3 (Claimant's Exhibit 240, Check  
15:06:52 4 Photocopies, bearing Production Nos.  
15:06:52 5 SEC-Northfield-E 55 through 475, was marked  
15:06:53 6 for identification)  
15:06:55 7 MS. SPILLANE: Mr. O'Connor, I'll just  
15:06:56 8 note for the record that Exhibit 240 is a  
15:06:59 9 composite exhibit with excerpts from the  
15:07:03 10 production from Northfield Bank. The Bates  
15:07:08 11 stamps are indicated on the bottom page of  
15:07:16 12 the individual pages that comprise the  
15:07:19 13 exhibit.  
15:07:24 14 Just take as long as you need to scroll  
15:07:27 15 through them.  
15:07:28 16 MR. O'CONNOR: There's 35 pages. You  
15:07:30 17 want him to read the whole thing or...  
15:07:32 18 MS. SPILLANE: Take as long as you need.  
15:07:34 19 I'll have some specific questions at certain  
15:07:37 20 pages, but the questions are going to be  
15:07:40 21 about the dates and the timing of the  
15:07:43 22 payments.  
15:07:44 23 THE WITNESS: Okay.  
15:07:44 24 BY MS. SPILLANE:  
15:07:44 25 Q. If you want, I can get started. I just

15:07:47 1 wanted to give you a minute if you need one.

15:07:50 2 A. You can get started. I'll just look at

15:07:52 3 them as we go.

15:07:53 4 Q. Okay. So on PDF page 1, other than the

15:07:58 5 checks for moving expenses, the first checks to you

15:08:03 6 appear to be for services rendered in December of

15:08:09 7 2010.

15:08:12 8 Does that comport with your recollection

15:08:20 9 of (inaudible) --

15:08:20 10 MR. O'CONNOR: You broke up there.

15:08:20 11 MS. SPILLANE: Sorry. Can the court

15:08:20 12 reporter read back what I -- the question,

15:08:20 13 however much you got, Ms. Diaz.

15:08:41 14 (Record read)

15:08:43 15 BY MS. SPILLANE:

15:08:43 16 Q. Does that comport with your recollection

15:08:44 17 of when you began providing services for Mr. Laura?

15:08:49 18 A. Yes. Right around that time.

15:08:54 19 Q. Okay. And that is a \$5,000 payment that

15:09:03 20 you indicated that you were -- that Mr. Laura had

15:09:07 21 said that he would provide you, is that right?

15:09:09 22 A. Yes. I guess that's it, yes.

15:09:19 23 Q. Okay. And on page 2, there's another

15:09:21 24 payment to you for January 2011 of \$5,000 and then

15:09:28 25 in February of 2011. On page 3, the payment is for

15:09:34 1 \$3,699.17.

15:09:38 2 Do you see that?

15:09:39 3 A. Okay. Yes.

15:09:40 4 Q. Do you have a recollection of your

15:09:45 5 monthly payment changing in or around February

15:09:49 6 2011?

15:09:52 7 A. Yes. Yes.

15:09:55 8 Q. And was that how much you were paid on a

15:09:59 9 monthly basis for the rest of that year?

15:10:03 10 A. Yes. Well, that's supposed to be with

15:10:06 11 the taxes taken out of the 5,000. So basically,

15:10:10 12 the employer tax is taken out. So that's basically

15:10:12 13 my check. It's not like a payroll check, but

15:10:16 14 that's with the 1300 taken out to go towards taxes.

15:10:23 15 Q. Okay. And so your salary for 2011 then

15:10:26 16 was 60,000 less 15,000 in taxes. Was that your

15:10:31 17 understanding?

15:10:32 18 A. Yes, something like that. Exactly.

15:10:36 19 Q. Okay. And then if you turn to page PDF

15:10:43 20 15. I mean, if you want to look at the other

15:10:46 21 checks that we've included there, you're more than

15:10:49 22 welcome to, but my next question will be about

15:10:53 23 payments in 2012 starting at PDF 15.

15:10:57 24 A. Okay. I mean, you're not saying all

15:11:03 25 these checks on here went to me. They just -- some

15:11:05 1 happen to be on the same page with other stuff,  
15:11:09 2 right?  
15:11:09 3 Q. Correct. Yes.  
15:11:10 4 A. Okay.  
15:11:11 5 Q. I didn't want to --  
15:11:11 6 A. Okay.  
15:11:12 7 Q. I didn't want to redact the pages. The  
15:11:14 8 questions are about the payments to you --  
15:11:17 9 A. Okay.  
15:11:18 10 Q. -- personally, unless I ask a different  
15:11:20 11 question.  
15:11:22 12 A. Okay. We're going down here.  
15:11:32 13 Q. So PDF 15 is the first payment from  
15:11:35 14 January 2012. It's also for \$3,699.17.  
15:11:44 15 A. Okay.  
15:11:45 16 Q. So was this also a reflection of your  
15:11:50 17 understanding that you were -- your salary was  
15:11:54 18 \$60,000 in 2012?  
15:11:56 19 A. Yes. It was just like month to month.  
15:12:00 20 There was no like -- I was just like, yes, okay,  
15:12:03 21 I'm going to get this 3,700 a month. Basically,  
15:12:07 22 the rest goes towards taxes.  
15:12:09 23 Q. Okay. And if you can turn to PDF 28,  
15:12:15 24 please.  
15:12:17 25 A. Okay.

15:12:28 1 Q. This is a little hard to read, but if  
15:12:29 2 you see the notation on the right, it's for a post  
15:12:33 3 date 2013, February 22nd, and the date on this  
15:12:38 4 check is January 2013 date.

15:12:43 5 Do you see that?

15:12:44 6 A. Is it the one for 1671?

15:12:48 7 Q. Correct.

15:12:49 8 A. Yes.

15:12:49 9 Q. Okay. Did that payment for 2013 -- did  
15:12:54 10 that reflect a -- for 1617, did that reflect a  
15:12:58 11 reduction in your salary?

15:13:00 12 A. Yes. At that point, it was just like --  
15:13:05 13 it was like I'm going to give you money whenever I  
15:13:10 14 can. I'll reimburse you for any expenses you have,  
15:13:13 15 and we're just having a very hard time right now  
15:13:17 16 financially. And basically -- I don't know if  
15:13:22 17 that's exactly when it started, but it might have  
15:13:24 18 even been in 2012. But I started getting paid I  
15:13:28 19 think in 2012 less. But, yes, this definitely is  
15:13:33 20 like, okay.

15:13:35 21 Q. Okay. So just so I understand, you  
15:13:38 22 think you might have been -- you might have started  
15:13:40 23 getting paid less in 2012.

15:13:44 24 Is that right?

15:13:45 25 A. I'm not really sure. It's 2013. I

15:13:49 1 mean, you can see the checks are smaller here. So  
15:13:52 2 I'm not really sure of the exact dates.

15:13:54 3 Q. Okay.

15:13:54 4 A. I just know that after the first year or  
15:13:56 5 so, it's just like a lot less.

15:14:03 6 Q. Okay. And you had a conversation with  
15:14:04 7 Mr. Laura where he indicated that the company was  
15:14:06 8 struggling financially, is that right?

15:14:11 9 A. Yes. And that he couldn't pay me what  
15:14:14 10 he was and that he would give me as much work as  
15:14:18 11 possible and pay me as much as he possibly could.

15:14:24 12 Q. Okay. And do you recall when that  
15:14:25 13 conversation took place?

15:14:29 14 A. No. I wouldn't be able to tell you like  
15:14:32 15 the date or anything or even time of year.

15:14:39 16 Q. Okay. Can you give me sort of  
15:14:41 17 approximately -- was it before the January 2013  
15:14:47 18 payment or after?

15:14:51 19 A. I really couldn't say without -- I'd  
15:14:54 20 just be guessing.

15:15:00 21 MS. SPILLANE: Okay. All right. And if  
15:15:02 22 you could pull up Exhibit 241, please.

15:15:04 23 (Claimant's Exhibit 241, Check  
15:15:04 24 Photocopies, bearing Production Nos.  
15:15:04 25 SEC-Northfield-E 496 through 524, was marked

15:15:04 1 for identification)

15:15:05 2 BY MS. SPILLANE:

15:15:06 3 Q. And I think you mentioned in your -- in  
15:15:10 4 one of your prior answers that Mr. Laura told you  
15:15:12 5 he would be paying you what he could and then  
15:15:16 6 expenses.

15:15:18 7 Is that right?

15:15:19 8 A. Yes. But I only had expenses like for  
15:15:23 9 the first -- I think it was like for a small  
15:15:25 10 portion of 2013 or whatever it was or part of 2012.  
15:15:31 11 It was just -- the expenses part was like a small  
15:15:35 12 part, but I just declared them on my taxes as  
15:15:37 13 income anyway.

15:15:41 14 Q. Okay. And what were the expenses for?

15:15:45 15 A. It was just like -- basically, it was  
15:15:47 16 just -- I'm trying to think. I don't even  
15:15:52 17 remember. It was for maybe -- I can't really  
15:15:55 18 remember at this point.

15:16:02 19 Q. Okay. Do you have any recollection of  
15:16:03 20 ever -- of documenting them at the time?

15:16:10 21 A. You know what? Honestly, it's so long  
15:16:13 22 ago. I was having such a tough time then. It was  
15:16:17 23 like the last thing I was thinking about was  
15:16:19 24 expenses or whatever. I was just trying to get by.  
15:16:22 25 So I really couldn't tell you an answer and feel

15:16:26 1 comfortable with it.

15:16:34 2 Q. Okay. And do you recall if Mr. Laura  
15:16:36 3 ever asked you to document your expenses? .

15:16:42 4 A. He might have, I think. I think he did  
15:16:44 5 a long time ago. I think I kept receipts and  
15:16:48 6 whatever. And then I think I just -- at some  
15:16:49 7 point, I was just like, you know what -- I was down  
15:16:53 8 and out. My money situation was terrible. I think  
15:16:55 9 I was like, you know what, who cares about this,  
15:16:57 10 and just threw them out or whatever. Going through  
15:17:01 11 a divorce. I was just -- he probably did tell me  
15:17:08 12 to keep track of them, and I probably didn't  
15:17:10 13 listen.

15:17:12 14 Q. Okay. And did Mr. Laura ever ask you to ,  
15:17:15 15 work with any kind of accountant or bookkeeper in  
15:17:21 16 relation to the work you were doing for him?

15:17:25 17 A. No.

15:17:26 18 Q. Okay. Did you ever tell you that he had  
15:17:28 19 an accountant or bookkeeper for Pristec or  
15:17:32 20 Innovative Crude Technologies?

15:17:35 21 A. I knew that he did just through hearing  
15:17:38 22 stuff and whatever else. I don't know that he told  
15:17:41 23 me, but I just knew he had an accountant.

15:17:44 24 Q. Okay. And did he ever ask you to  
15:17:46 25 provide any documents to the accountant?

15:17:51 1 A. No. You mean on behalf of Pristec?

15:17:54 2 Q. No. Well, I mean, either on behalf of

15:17:58 3 Pristec or related to any expenses or the

15:18:04 4 compensation that you were receiving.

15:18:06 5 A. Oh, no. No.

15:18:12 6 Q. Okay. And setting aside whether

15:18:14 7 Mr. Laura ever asked you to, did the accountant

15:18:16 8 ever reach out to you and ask you for any

15:18:19 9 documentation?

15:18:19 10 A. No.

15:18:29 11 Q. I think you testified earlier in terms

15:18:31 12 of checks received or payments made by Pristec

15:18:36 13 America versus payments made by Innovative Crude

15:18:40 14 Technologies with respect to the insurance on

15:18:43 15 Mr. Laura's truck. I wanted to ask you the same

15:18:48 16 question with respect to payments made to you.

15:18:51 17 If you look at Exhibit 240, the checks

15:18:53 18 are made out by Pristec America, Incorporated. And

15:18:59 19 in Exhibit 241, they're made out by Innovative

15:18:59 20 Crude Technologies, Incorporated.

15:19:06 21 Do you see that?

15:19:06 22 A. Yes.

15:19:07 23 Q. Do you have any understanding as to why

15:19:12 24 the entity changed?

15:19:15 25 A. No. I have no clue. And I just

15:19:18 1 realized as I was going through some back stuff, I  
15:19:21 2 was like, man, these checks were cut from here,  
15:19:24 3 from there. I was getting my checks, cashing them  
15:19:27 4 and just trying to survive. I have no clue as to  
15:19:31 5 why anything is changing on the checks.

15:19:37 6 Q. Okay. I asked you before about whether  
15:19:40 7 you ever accompanied Mr. Laura to any off-site  
15:19:45 8 storage place for files or anything like that. And  
15:19:52 9 you indicated you had not and that your -- let me  
15:19:56 10 just ask the question.

15:19:57 11 Are you aware of any other locations  
15:20:02 12 besides Mr. Laura's home where he might have been  
15:20:05 13 keeping business records?

15:20:08 14 MR. O'CONNOR: Objection. Asked and  
15:20:09 15 answered.

15:20:09 16 You can answer it again.

15:20:11 17 A. No, I'm not aware.

15:20:15 18 MS. SPILLANE: Okay. I'm going to have  
15:20:17 19 to go off the record briefly.

15:20:18 20 MR. O'CONNOR: Yes. Can we take two  
15:20:20 21 minutes? Because it's going to rain and I  
15:20:22 22 got to get some --

15:20:22 23 MS. SPILLANE: Yes. We'll go off the  
15:20:22 24 record. Can we just go off the record first?

15:20:25 25 MR. O'CONNOR: Yes.

15:20:26 1 THE VIDEOGRAPHER: And we're going off  
15:20:27 2 the record at 3:20 p.m.  
15:20:28 3 (Recess)  
15:25:48 4 THE VIDEOGRAPHER: And we're back on the  
15:26:19 5 record at 3:26 p.m.  
15:26:21 6 BY MS. SPILLANE:  
15:26:21 7 Q. Mr. Martelli, I had asked you about the  
15:26:27 8 payments being made from different entities, and I  
15:26:31 9 think you testified that you weren't aware of the  
15:26:37 10 reasoning for that.  
15:26:38 11 Is that correct?  
15:26:39 12 A. (No verbal response).  
15:26:47 13 Q. I think you may be muted.  
15:26:53 14 MR. O'CONNOR: Sorry about that.  
15:26:54 15 A. Yes, I was aware of that -- I wasn't  
15:26:58 16 aware of that. I'm not sure.  
15:26:59 17 BY MS. SPILLANE:  
15:26:59 18 Q. Sorry. The question was whether you  
15:27:00 19 were aware of the reasoning for the payment from  
15:27:02 20 the different entities.  
15:27:03 21 A. Oh, no.  
15:27:08 22 Q. Okay. And so did your duties change at  
15:27:10 23 all depending on which entity was paying you?  
15:27:18 24 A. No. Same thing.  
15:27:22 25 MS. SPILLANE: Okay. Okay. Can you

15:32:33 1 I'm not sure.

15:32:34 2 BY MS. SPILLANE:

15:32:34 3 Q. Okay. So you don't have any

15:32:35 4 recollection of receiving --

15:32:38 5 A. No, I don't.

15:32:38 6 Q. -- checks made out to cash?

15:32:40 7 A. I can't really recall.

15:32:43 8 Q. Okay. All right. So if you could go to

15:32:49 9 page PDF 13 of the document.

15:32:53 10 A. Okay.

15:33:00 11 Q. This appears to be the beginning of

15:33:02 12 January 2015 -- sorry -- payments in 2015.

15:33:07 13 A. Yes.

15:33:07 14 Q. Do you have any --

15:33:09 15 A. No, I don't.

15:33:13 16 Q. Do you recall how much you were paid in

15:33:14 17 2015?

15:33:17 18 A. Not exactly. Probably around the same.

15:33:19 19 I mean, I never really made more than 35,000.

15:33:24 20 Maybe one year. Something like that. This year, I

15:33:28 21 think I -- I don't remember specifically, but I

15:33:30 22 think he gave me just a couple of just big checks,

15:33:33 23 because he wouldn't pay for me three months or

15:33:36 24 something like that, then he'd hit me with a big

15:33:39 25 check. I remember it was like not cool.

15:33:42 1 Q. Okay. I'm sorry. When you say "this  
15:33:44 2 year," you're referring to 2015?

15:33:46 3 A. Yes.

15:33:50 4 Q. Okay. And so which don't have to go  
15:33:52 5 through all the other pages, but if you want, we  
15:33:55 6 can look at 2016. But my question is going to be  
15:33:57 7 the same, which is: Do you recall how much you  
15:33:59 8 were paid in 2016?

15:34:00 9 A. Yes. Again, it was not much. It was  
15:34:03 10 probably -- I don't want to say exactly, but it  
15:34:06 11 was -- I'm just saying around 30, because I  
15:34:09 12 remember when I filed -- one year it was like 25;  
15:34:13 13 one year it was 35; one year it was 32; one year it  
15:34:17 14 was 28. So I'm just giving you an estimate.  
15:34:18 15 That's it.

15:34:23 16 Q. Okay. If you scroll to page 35, that  
15:34:26 17 seems to be the beginning of payments made in 2017.

15:34:30 18 A. Okay.

15:34:34 19 MS. SPILLANE: And then if you pull up  
15:34:38 20 Exhibit 243 --

15:34:44 21 (Claimant's Exhibit 243, Check  
15:34:44 22 Photocopies bearing Production Nos. SEC-TBD-E  
15:34:45 23 69 through 76, was marked for identification)

15:34:52 24 THE WITNESS: Is that 243?

15:34:54 25 MR. O'CONNOR: Oh, I'm sorry. I thought

15:35:02 1 you said -- I'm sorry. All right. 243, here  
15:35:02 2 we go.

15:35:08 3 THE WITNESS: Yes. Okay.

15:35:10 4 BY MS. SPILLANE:

15:35:11 5 Q. Okay. So on 242, that last page we  
15:35:15 6 looked at is a January payment for \$2,000 and then  
15:35:21 7 additional payments coming from a different bank  
15:35:23 8 account which is represented -- again a composite  
15:35:30 9 exhibit, Exhibit 243 --

15:35:30 10 A. Sure.

15:35:33 11 Q. -- from TD Bank.

15:35:34 12 A. Okay.

15:35:34 13 Q. Do you recall in 2017 also being paid  
15:35:37 14 from both Bank of America account and then a TD  
15:35:42 15 Bank account?

15:35:42 16 A. As far as recall goes, I would not  
15:35:44 17 remember where my checks were from. But I know  
15:35:47 18 during that year, I got some big checks, like a  
15:35:52 19 couple big ones, because it was just like so -- I  
15:35:58 20 still didn't make that much that year overall  
15:36:01 21 anyway.

15:36:01 22 Q. Okay. In Exhibit 243, you can see the  
15:36:05 23 payments are once again being made by Pristec  
15:36:10 24 America, Incorporated.

15:36:10 25 A. Yes.

15:36:10 1 Q. Do you see that?

15:36:11 2 A. Yes.

15:36:11 3 Q. Do you have any -- did you have any

15:36:13 4 understanding at the time as to why you were -- why

15:36:17 5 the payments were then being made again by Pristec

15:36:21 6 America compared to 2017 when they were -- earlier

15:36:24 7 in 2017 when they were being paid by Innovative

15:36:29 8 Crude Technologies?

15:36:29 9 A. To be honest with you, I was so happy to

15:36:31 10 get a check at that point, to get those checks. I

15:36:35 11 didn't care. It could have said John Wayne paid me

15:36:38 12 that. I wouldn't have noticed.

15:36:42 13 MS. SPILLANE: Okay. Can I ask you to

15:36:44 14 pull up Exhibit 244, please?

15:36:46 15 (Claimant's Exhibit 244, 2012 Form W-3

15:36:46 16 bearing Production Nos. SEC-SciarrinoJ-E 555

15:36:47 17 through 567, was marked for identification)

15:36:51 18 THE WITNESS: Sure.

15:36:52 19 BY MS. SPILLANE:

15:36:52 20 Q. Just let me know when you're ready?

15:37:00 21 A. Ready.

15:37:01 22 Q. Okay. Do you recognize the document at

15:37:05 23 Exhibit 244?

15:37:08 24 A. I mean, it was so long ago. I mean, I

15:37:13 25 guess it's a W-2 or W-3 it says. W-2, yes. It was

15:37:21 1 so long ago, because it doesn't even have my right  
15:37:24 2 address on it.

15:37:25 3 Q. That for 2000 -- do you see in the  
15:37:29 4 middle of the page it indicates 2012?

15:37:32 5 A. Yes, I see that.

15:37:34 6 Q. Do you see that?

15:37:35 7 A. Yes.

15:37:35 8 Q. Okay. And you're free to scroll through  
15:37:38 9 the document, but if you can tell me if there's any  
15:37:42 10 other items in the document that appear to relate  
15:37:45 11 to any other year besides 2012.

15:37:53 12 A. Yes. No. It looks like it's 2012.

15:37:56 13 Q. Okay. And do you have a recollection of  
15:38:00 14 having seen this document before or any portion of  
15:38:03 15 it?

15:38:05 16 A. No, not really, to be honest with you.

15:38:09 17 Q. Okay. Do you remember receiving a W-2?  
15:38:12 18 If you scroll to page PDF 2, a W-2 that looked like  
15:38:16 19 similar to the one that's on PDF 2 of Exhibit 244?

15:38:22 20 A. You know what? I don't have that  
15:38:24 21 anywhere in my files. But when I tried to contact  
15:38:26 22 the old accountant that we used, they said they  
15:38:30 23 couldn't even go back in the 2000- -- anywhere  
15:38:33 24 before like 2013 or '14 for me. So I had to just  
15:38:37 25 -- just recently. So I haven't seen this, no.

15:38:46 1 Q. Okay. Okay. All right. So I was going  
15:38:47 2 to ask you if you have any understanding as to why  
15:38:49 3 it indicates your wages of 24,000 for 2012.

15:38:57 4 A. No. It's so long ago, I don't even  
15:39:00 5 remember.

15:39:01 6 Q. Okay. This does not change your  
15:39:03 7 recollection as to your base salary in 2012 being  
15:39:10 8 \$60,000, correct?

15:39:12 9 A. I don't know. I don't remember if my  
15:39:13 10 salary was that much in 2012. Like I said, the  
15:39:17 11 first year I was here, 2011, was the year that I  
15:39:23 12 got paid properly. And after that, it was just  
15:39:25 13 like -- it was get money when you can. It was more  
15:39:30 14 sporadic. I couldn't tell you thinking back ten  
15:39:33 15 years. I just know the first year felt like the  
15:39:36 16 only good year. That was it.

15:39:41 17 Q. The first year being 2011?

15:39:43 18 A. Yes, the first year of 2011. I felt  
15:39:46 19 like after that, I just kind of wasn't getting paid  
15:39:51 20 as much as I should have.

15:39:54 21 Q. Okay. Do you recall seeing -- ever  
15:39:58 22 receiving any W-2s for 2010 or for any of the years  
15:40:05 23 where you understood yourself to be an employee?

15:40:09 24 A. Yes. I mean, I think -- I don't have  
15:40:14 25 any of that, because I just went to the accountant

15:40:18 1 guy, and he told me whatever, had me sign some  
15:40:22 2 documents, and that was it. They never actually  
15:40:24 3 even sent me copies of my 2010 or 2011 or any of  
15:40:29 4 those tax returns.

15:40:32 5 Q. Okay. All right. I just -- so just in  
15:40:36 6 terms of the amount of 24,000 that's listed on this  
15:40:39 7 one for -- on Exhibit 244 for wages for 2012 --

15:40:48 8 A. Okay.

15:40:49 9 Q. -- I think you had testified earlier, I  
15:40:56 10 would have to go back, but that your payment, you  
15:41:00 11 understood it to be 60,000 as salary, but you were  
15:41:06 12 only receiving \$3,699.17 a month in reflection of a  
15:41:14 13 withholding of taxes.

15:41:15 14 Is that not your recollection?

15:41:16 15 MR. O'CONNOR: Objection. Misstates  
15:41:18 16 testimony.

15:41:19 17 A. Yes. I don't remember.

15:41:22 18 BY MS. SPILLANE:

15:41:22 19 Q. Okay. Well, the checks will show what  
15:41:24 20 they show. So let me just ask you. If it's the  
15:41:26 21 case that you were paid that your salary and that  
15:41:31 22 your payments were more than 24,000 that's  
15:41:35 23 indicated on this W-2, do you have any  
15:41:38 24 understanding of why that would be?

15:41:42 25 A. No.

15:41:45 1 Q. Okay. And did anyone -- did Mr. Laura  
15:41:47 2 talk to you about this W-2 in 2012 or 2013?  
15:41:51 3 A. Honestly, I can't remember that far  
15:41:53 4 back, to be honest with you, specific stuff.  
15:41:58 5 Q. Okay. You don't have any recollection  
15:41:59 6 of having that conversation with Mr. -- any kind of  
15:42:03 7 conversation about it with Mr. Laura?  
15:42:07 8 A. No.  
15:42:07 9 Q. Okay. And I think you testified that at  
15:42:21 10 some point, you started receiving 1099s, is that  
15:42:26 11 right?  
15:42:26 12 A. I never received one, but --  
15:42:35 13 Q. Understood. Okay. So I must have in  
15:42:38 14 fact misunderstood.  
15:42:39 15 At some point, you stopped -- you  
15:42:40 16 understood that you were no longer an employee, but  
15:42:44 17 that you were -- what did you understand your  
15:42:46 18 status to be at that point?  
15:42:48 19 A. Basically, that I was going to be like a  
15:42:51 20 consultant or a 1099 at that point.  
15:42:58 21 Q. Okay. What was the conversation with --  
15:42:59 22 was that a conversation with Mr. Laura?  
15:43:01 23 A. Yes. Again, it's like so long ago. I  
15:43:04 24 just -- I mean, I remember him saying, "Hey,  
15:43:08 25 listen, we can't afford to pay you what we were

15:43:11 1 paying you before, and you're going to have to  
15:43:14 2 basically be paid as a consultant instead." So  
15:43:21 3 that's when I went back and filed all my own tax  
15:43:25 4 returns and everything else.

15:43:28 5 Q. Okay. Do you remember when that  
15:43:30 6 conversation with Mr. Laura was?

15:43:36 7 A. No.

15:43:36 8 Q. Okay. But you never in fact received  
15:43:38 9 any 1099s?

15:43:39 10 A. No.

15:43:50 11 Q. Okay. All right. So was there anything  
15:43:52 12 in relation to the car payments or the car  
15:43:57 13 insurance that was included as part of your tax  
15:44:03 14 filings, whether at the time or the ones you did  
15:44:06 15 recently?

15:44:08 16 A. I did not understand that question. Can  
15:44:10 17 you ask it again?

15:44:12 18 Q. Right. I know that you -- let me ask it  
15:44:15 19 this way.

15:44:16 20 I think you testified when we were  
15:44:17 21 looking through the bank records that there were  
15:44:19 22 some expenses that you had included, some checks  
15:44:25 23 paid to you for expense reimbursements that you had  
15:44:29 24 included in your recent tax filings.

15:44:32 25 Do you remember that?

15:44:36 1 A. No.

15:44:42 2 Q. Okay. So let me ask it this way then.

15:44:45 3 Did you include any of the -- all of the

15:44:46 4 checks that you received from Pristec America or

15:44:48 5 Innovative Crude Technologies, were they all

15:44:51 6 included in your tax filings?

15:44:53 7 A. In my new tax filings? Like you mean

15:44:59 8 all the stuff I told you I just did?

15:45:02 9 Q. Yes. Either the ones you did

15:45:04 10 contemporaneously or for the later years --

15:45:04 11 A. Yes.

15:45:06 12 Q. -- the ones you did recently.

15:45:07 13 A. Yes. Yes. I had to go through --

15:45:07 14 Q. Okay.

15:45:10 15 A. I mean, it took me forever, but...

15:45:14 16 Q. Okay. And so did that include the

15:45:16 17 advances and the expense reimbursements that we saw

15:45:20 18 from your move to New Jersey it?

15:45:28 19 A. I don't think so. I mean, that would

15:45:29 20 have been before. I don't know. That was 2011,

15:45:32 21 2012. I only filed back taxes not that far back.

15:45:37 22 Q. Okay. And any of the payments that

15:45:42 23 Mr. Laura made on -- I should say that Mr. Laura

15:45:49 24 directed from business accounts to either the car

15:45:52 25 loan or the car insurance. Were any of those

16:17:36 1 A. Okay.

16:17:37 2 Q. Is this a message from you to Mr. Laura?

16:17:40 3 A. Yes.

16:17:41 4 Q. Okay. And it says, "Hey, Joe hope you

16:17:45 5 are having fun."

16:17:47 6 Do you recall what Mr. Laura -- or what

16:17:50 7 you understood Mr. Laura was doing as of July 24th,

16:17:53 8 2007?

16:17:54 9 A. No. He could have been on vacation. I

16:18:02 10 don't know.

16:18:02 11 Q. Okay. You didn't have the perception

16:18:04 12 that he was working at the time, is that right?

16:18:05 13 A. No. Not when I sent that text, I guess.

16:18:11 14 I said unless --

16:18:11 15 Q. Okay.

16:18:12 16 A. Yes. No.

16:18:14 17 Q. Okay. I'm just asking because it's a

16:18:16 18 Monday. And you said he's having fun, so maybe you

16:18:19 19 had a recollection of what Mr. Laura was doing at

16:18:25 20 the time.

16:18:25 21 You ask him, "Will you let me know if we

16:18:29 22 have money to make this truck payment."

16:18:31 23 Do you have a recollection of what the

16:18:33 24 message was concerning?

16:18:35 25 A. Of what the message I wrote to him was

16:18:38 1 concerning?

16:18:38 2 Q. Yes.

16:18:42 3 A. I needed money to make his truck

16:18:45 4 payment.

16:18:45 5 Q. The truck was as of July 2017 still --

16:18:51 6 the loan for the truck was still under your wife's

16:18:53 7 name as of July 2017?

16:18:55 8 A. Yes. Yes. It must have been like the

16:18:58 9 very end of it or something.

16:19:02 10 Q. Okay. And then the next -- there seems

16:19:07 11 to be a repeat of the same --

16:19:09 12 A. Yes. I sent it twice by accident.

16:19:12 13 Sorry.

16:19:12 14 Q. -- message.

16:19:14 15 Q. Oh, that's okay. And then on PDF page

16:19:17 16 4, it seems to be a reply on August 8, 2017.

16:19:28 17 Do you see that?

16:19:28 18 A. Yes.

16:19:29 19 Q. Okay. And is that Mr. Laura with the

16:19:34 20 sort of grayed out -- the light gray text bubble?

16:19:39 21 A. Yes. He's in the gray.

16:19:41 22 Q. Okay. "Thanks, Joe."

16:19:43 23 A. Yes.

16:19:43 24 Q. "Do you know how many payments are left  
16:19:45 25 on the truck?"

16:19:45 1                Okay. So for all of these messages, is  
16:19:48 2 it the case that Mr. Laura's messages to you are on  
16:19:52 3 the left, in the sort of light gray bubble with the  
16:19:55 4 purple on this document, purple J?  
16:19:59 5                A. Yes.  
16:20:00 6                Q. And your responses -- or your  
16:20:01 7 communications are in the greenish/bluish bubble?  
16:20:10 8                A. Yes.  
16:20:11 9                Q. Okay. All right. So then Mr. Laura was  
16:20:15 10 asking you how many payments are left on the truck?  
16:20:19 11                A. Yes.  
16:20:19 12                Q. And you respond, "We owe 1,881. Total  
16:20:24 13 11,559"?  
16:20:27 14                A. Yes. Was it -- yes, because he was  
16:20:29 15 behind in the payment. So that's me trying to get  
16:20:35 16 on him, because I could see we're about to go 30  
16:20:39 17 days late. So I'm telling him we owe basically two  
16:20:41 18 months' payment, or if you want to pay -- he asked  
16:20:43 19 how much. I said, "You want to pay the whole thing  
16:20:46 20 off? It's 11,000, I guess, left."  
16:20:47 21                Q. Okay. As of August 2017, there was  
16:20:49 22 \$11,600 left on the car payment for the -- was it  
16:20:58 23 still the white Chevy Tahoe truck we're talking  
16:21:02 24 about?  
16:21:03 25                A. Yes. Yes.

16:21:11 1 Q. Okay. And then you send Mr. Laura a  
16:21:16 2 handful of messages.

16:21:17 3 A. Right.

16:21:18 4 Q. August 15th, 2017, "Hey, Joe." "Hey,  
16:21:27 5 good morning, Joe. How is everything going?" On  
16:21:30 6 September 2017, "Hey, Joe." September 15th, 2017,  
16:21:33 7 "Hey, Joe. What's going on with you? How is  
16:21:35 8 everything going?"

16:21:40 9 Q. And so were there no responses from  
16:21:43 10 Mr. Laura in between any of these messages?

16:21:45 11 A. Yes. Exactly. No responses.

16:21:51 12 Q. Okay. And do you have a recollection of  
16:21:52 13 whether the car payments that were due had been  
16:21:56 14 made or were you still trying to pursue them at  
16:22:00 15 this point?

16:22:00 16 A. I couldn't tell you honestly, but, you  
16:22:03 17 know, most likely, if I'm texting that many times,  
16:22:07 18 I'm trying to get something that I need. So I  
16:22:16 19 don't know if the truck payments were made.

16:22:16 20 Q. Okay. All right. And page 6, there  
16:22:20 21 doesn't seem to be a date associated with --

16:22:20 22 A. Okay.

16:22:25 23 Q. There isn't a date on the top of these  
16:22:29 24 messages.

16:22:29 25 Q. Do you know what the date of these

16:22:31 1 messages concerning -- it seems to be about a  
16:22:34 2 communication from Katie to Mr. Laura.  
16:22:37 3 Is that a reference to your wife, or  
16:22:39 4 your ex-wife?  
16:22:39 5 A. Yes. Yes.  
16:22:41 6 Q. Okay. Do you know what dates are these  
16:22:43 7 messages from?  
16:22:45 8 A. I can look real quick on my phone. I  
16:22:47 9 just have to turn it on.  
16:22:50 10 Q. Sure. And do you recall what she was  
16:23:00 11 e-mailing to Mr. Laura?  
16:23:03 12 A. It had to be something that had to do  
16:23:05 13 with the truck, because otherwise she had no real  
16:23:10 14 communication with him.  
16:23:10 15 Q. Okay.  
16:23:14 16 A. Or it could have been the truck or the  
16:23:15 17 insurance. I don't know, but it had to do with one  
16:23:19 18 of those two things, I'm sure.  
16:23:24 19 Q. Okay. And do you have a date for that?  
16:23:25 20 A. Sorry. My phone is barely turning on.  
16:23:31 21 Q. All right. Well, maybe your counsel can  
16:23:33 22 look into that while we're discussing.  
16:23:39 23 A. Okay.  
16:23:39 24 Q. It seems to be around messages after a  
16:23:43 25 September 15th message on PDF 5 here.

16:23:50 1 A. Right. I'm gone.

16:23:53 2 Q. And then before September 29th messages.

16:24:07 3 MR. O'CONNOR: I think you can search by

16:24:11 4 a word. Search Katie.

16:24:16 5 THE WITNESS: It would just be with an

16:24:21 6 I. Okay.

16:24:23 7 BY MS. SPILLANE:

16:24:23 8 Q. Okay. On PDF page 7, there's a message

16:24:28 9 from you on September 29, 2017.

16:24:33 10 A. Yes.

16:24:33 11 Q. "I just wanted to let you know, I called

16:24:36 12 the collection agency, and they gave me until

16:24:38 13 Wednesday to pay the \$560 before they file a

16:24:42 14 judgment on me."

16:24:43 15 What's that a reference to?

16:24:44 16 A. That was probably a reference to one of

16:24:48 17 my own personal medical collections that I had.

16:24:51 18 And that's basically me just trying to get money,

16:24:55 19 to get paid from Joe. Like, hey, do you have money to

16:24:57 20 pay me right now, because I have a deadline for

16:25:00 21 something I need to put in before it causes me

16:25:03 22 problems. That's what that is.

16:25:05 23 Q. Okay. And then you say, "I hope

16:25:06 24 everything went okay with the truck."

16:25:08 25 What's that a reference to?

16:25:10 1 A. Honestly, I have no clue. I hope  
16:25:13 2 everything -- maybe he had to fix the truck. I  
16:25:15 3 don't know. Maybe -- maybe -- I don't know what  
16:25:19 4 that is.

16:25:21 5 Q. Okay. And then on PDF 8, there's a  
16:25:24 6 message, October 9th, 2017. That refers to some  
16:25:33 7 pull violations --

16:25:33 8 A. Okay.

16:25:34 9 Q. -- you got on the PA Turnpike.

16:25:34 10 A. Yes.

16:25:37 11 Q. Do you see that?

16:25:38 12 A. Yes. That's --

16:25:38 13 Q. Okay.

16:25:40 14 A. Go ahead. Sorry.

16:25:41 15 Q. What's that a reference to?

16:25:42 16 A. Let's see. That's me trying to pay a  
16:25:51 17 toll violation for whatever reason that was sent to  
16:25:58 18 me from one of our trips or something.

16:26:00 19 Q. And why would the toll violation be sent  
16:26:03 20 to you?

16:26:04 21 A. Because my wife -- the EZ Pass was in  
16:26:09 22 her name as well.

16:26:13 23 Q. Okay. And you indicate in the message  
16:26:15 24 that, "Hey, some of these toll violations you got  
16:26:18 25 on the PA Turnpike."

16:26:20 1                   Do you have a recollection that it was  
16:26:22 2 Mr. Laura who was driving for those violations?  
16:26:26 3                   A. You know, I mean, that's what it looks  
16:26:28 4 like I wrote, but I don't -- I wouldn't have a  
16:26:30 5 recollection of a 2017 toll violation.  
16:26:30 6                   Q. Okay.  
16:26:36 7                   A. I found the date on those texts from  
16:26:38 8 before. I don't know if you want to now.  
16:26:39 9                   Q. Sure. These are the texts on PDF 6 of  
16:26:44 10 Exhibit JM-1.  
16:26:45 11                  A. Yes. Where it says, "Yes, she's in  
16:26:49 12 bed." Yes. That's Wednesday, September 27th.  
16:26:57 13                  Q. Seeing that date, does that refresh your  
16:26:59 14 recollection as to what the messages might have  
16:27:00 15 been concerning?  
16:27:06 16                  A. As far as? Let's see.  
16:27:10 17                  Q. I think your testimony was it must have  
16:27:11 18 had something to do with the truck.  
16:27:11 19                  A. Yes.  
16:27:13 20                  Q. But I just wanted to know whether -- now  
16:27:16 21 that you understand the exact date, whether it  
16:27:19 22 refreshes your recollection as to what the messages  
16:27:22 23 concern?  
16:27:22 24                  A. Oh, no. The date doesn't help me on  
16:27:27 25 this.

16:27:27 1 Q. What specifically --

16:27:27 2 A. No. But I'm pretty sure it has to do

16:27:29 3 with the truck, because anything that has to do

16:27:31 4 with my wife or him would have to do with his

16:27:34 5 truck.

16:27:35 6 Q. Okay. I meant to ask you a question

16:27:36 7 before the reference to the PA Turnpike reminded

16:27:41 8 me.

16:27:41 9 Mr. Laura has a daughter who went to

16:27:45 10 college in Pennsylvania, is that right?

16:27:46 11 A. Yes.

16:27:47 12 Q. Okay. And did you do any driving

16:27:51 13 related to visits to Mr. Laura's daughter while she

16:27:59 14 was there in college?

16:28:01 15 A. You know what? I don't think so. I

16:28:05 16 mean, you mean going up there to visit or

16:28:07 17 something? No.

16:28:11 18 Q. Okay. Well, no. Whether you drove

16:28:12 19 Mr. Laura when Mr. Laura was going to visit her or

16:28:16 20 family members were going to visit her?

16:28:17 21 A. No. Not that I can remember, I mean.

16:28:22 22 Q. All right. And then further on page PDF

16:28:25 23 8, on October 10th, 2017, there's a message from

16:28:29 24 you. "Also the truck insurance is due by Friday."

16:28:34 25 A. Yes.

16:28:35 1 Q. Do you see that?

16:28:35 2 A. Yes.

16:28:39 3 Q. Okay. So then is it fair to say that at

16:28:42 4 least as of October 10th, 2017, that it appears the

16:28:46 5 truck insurance was still in your and your wife's

16:28:51 6 name -- your ex-wife's name?

16:28:53 7 A. Yes. It would have been until he paid

16:28:56 8 the truck off.

16:29:00 9 Q. Understood.

16:29:01 10 And then I just want to ask. So between

16:29:03 11 September 29th, you sent the message about your

16:29:06 12 medical payments and the truck and October 9th

16:29:10 13 about E-ZPass toll violations Mr. Laura had

16:29:15 14 gotten --

16:29:15 15 A. Yes.

16:29:16 16 Q. -- and then the truck insurance sent on

16:29:17 17 October 10th, 2017.

16:29:19 18 A. Right.

16:29:20 19 Q. And so -- and then we go on to October

16:29:26 20 12th, on PDF 9, and there's a response from

16:29:29 21 Mr. Laura.

16:29:33 22 Should I understand then that there were

16:29:34 23 no responses to your texts about the various

16:29:40 24 payments that were owed from September 29th --

16:29:40 25 A. Yes. No.

16:29:44 1 Q. -- through October 11th?

16:29:45 2 A. No. He may have called me back. Sorry.

16:29:51 3 He may have called me back, but any texts that he

16:29:53 4 would have texted would have been right there. I

16:29:57 5 mean, you know, if it's -- he's not the fastest

16:30:01 6 person to call back, you know, or to respond. But

16:30:05 7 I'm sure he called me at some point, because

16:30:07 8 everything wound up getting paid, so...

16:30:10 9 Q. Okay. And so on these -- I'm just

16:30:19 10 wondering, were you working for Mr. Laura on these

16:30:22 11 days when you sent him text messages?

16:30:26 12 A. No. If I'm telling him, you know,

16:30:32 13 whatever it is, I'm asking about a payment or

16:30:34 14 saying I need money, then most likely I'm not

16:30:37 15 working with him on that day, because I'd be asking

16:30:39 16 him in person.

16:30:40 17 Q. Okay. And then on PDF 9, which is where

16:30:47 18 Mr. Laura responds to you on October 12th --

16:30:49 19 A. Yes.

16:30:50 20 Q. -- and he indicates that he's in

16:30:56 21 Houston --

16:30:57 22 A. Yes.

16:30:57 23 Q. And it doesn't seem to have a

16:31:02 24 substantive response to what you wrote, unless

16:31:08 25 there's any missing messages there.

16:31:10 1 A. No. That's just him telling me that he  
16:31:13 2 won't be back until the next day. So basically,  
16:31:17 3 I'm not going to get a response until then, because  
16:31:20 4 he was in Houston.

16:31:20 5 Q. Did Mr. Laura generally let you know  
16:31:23 6 when he was traveling so that you would have been  
16:31:28 7 aware of his travel schedule generally or --

16:31:31 8 A. Yes. I mean, most of the time. Not  
16:31:34 9 always. Obviously, I didn't know at this point.  
16:31:38 10 But earlier on, he did more often than this. As  
16:31:42 11 time went by, maybe not as much. But, yes, most of  
16:31:44 12 the time, I knew if he's going somewhere.

16:31:47 13 Q. Okay. And then let's see, PDF 10,  
16:31:52 14 October 20th, 2017, "I'm texting you to let you  
16:31:59 15 know the truck is due by Monday."

16:32:01 16 Is that a reference to a payment on the  
16:32:03 17 truck due on Monday?

16:32:04 18 A. Yes. Yes.

16:32:08 19 Q. Okay. And you say, "And I really need  
16:32:10 20 to pay my landlord something"?

16:32:12 21 A. Yes. Again, that's me trying to get  
16:32:18 22 paid some kind of which way. It was basically to  
16:32:21 23 the point where I was like, listen, if you don't  
16:32:23 24 pay me soon or give me some sort of money for what  
16:32:27 25 I've done, then I'm in trouble here. That's me

16:32:30 1 begging over here.

16:32:33 2 Q. Okay. Yes. And then your next message  
16:32:35 3 is October 22nd, "Joe, are you still alive? My  
16:32:40 4 life is in shambles."

16:32:43 5 What's that a reference to?

16:32:44 6 A. That's just a reference to me not  
16:32:48 7 getting paid -- not getting paid properly or not  
16:32:55 8 getting paid enough and just me and my wife having  
16:33:00 9 problems, on the verge of getting divorced, all  
16:33:02 10 because I'm working for this company hanging in  
16:33:04 11 there. And I got to a breaking point where I was  
16:33:08 12 like, listen, man, you either have a place for me  
16:33:12 13 or you don't. I just basically got fed up, because  
16:33:17 14 I couldn't even pay my rent, basically.

16:33:22 15 Q. Right. And so is that message an  
16:33:23 16 indication that you hadn't heard from Mr. Laura in  
16:33:27 17 response to a substantive response about the  
16:33:32 18 various monies that were due and your personal debt  
16:33:39 19 situation -- or personal collections and landlord  
16:33:41 20 payment situation?

16:33:43 21 A. Probably. Probably. If I was that  
16:33:46 22 dramatic in it, then it was probably, because I  
16:33:49 23 didn't have a response in a timely fashion for me.

16:33:53 24 Q. Okay. And then Mr. Laura responds that  
16:33:57 25 he's in Canada.

16:33:58 1 Do you see that?

16:33:59 2 A. Yes.

16:34:02 3 Q. Okay. And so just from the messages

16:34:06 4 from October, it looks like you weren't aware that

16:34:09 5 Mr. Laura was in Houston and then in Canada. It

16:34:12 6 appears like you weren't -- in October, it appears

16:34:15 7 that you weren't aware that he was in Canada.

16:34:19 8 Is that right?

16:34:20 9 A. I mean, "In Canada, I'll be back,"

16:34:22 10 that's what it appears from the text messages.

16:34:25 11 Q. Okay. And had you known that he was

16:34:28 12 away for either of those visits?

16:34:32 13 A. To be honest with you, he traveled so

16:34:38 14 much for business or whatever else. And like I

16:34:41 15 said, I wouldn't go with him on any of those trips.

16:34:44 16 So it was a pretty common occurrence, him

16:34:48 17 travelling out and then -- most of the time, he

16:34:50 18 would tell me. But at this point, he didn't

16:34:53 19 apparently.

16:34:54 20 Q. Okay. All right. And then on PDF 11,

16:34:57 21 there's another message from you, November 4th,

16:35:02 22 2017, about Katie, your ex-wife, having received a

16:35:08 23 failure to appear in the mail. Some ticket from

16:35:11 24 Newark. It says to pay \$55 by the 7th or there

16:35:15 25 will be a warrant and a lose of license.

16:35:19 1 Do you have a recollection of what this  
16:35:22 2 message was about?

16:35:24 3 A. It must have been some sort of ticket  
16:35:27 4 that somebody got on the truck for \$55 and then  
16:35:31 5 apparently -- I don't really know what it was. I  
16:35:35 6 would always try and get him to pay these things,  
16:35:39 7 get it done ahead of time so we wouldn't have any  
16:35:42 8 problems, but I'm not sure exactly which ticket  
16:35:45 9 that refers to.

16:35:48 10 Q. Okay. Were there multiple tickets that  
16:35:52 11 you remember? I know we saw in one of the earlier  
16:35:55 12 pages about some toll violations. So it sounds  
16:35:58 13 like all the tickets and toll violations associated  
16:36:02 14 with the truck that Mr. Laura was driving would go  
16:36:06 15 to you or your wife, is that right?

16:36:08 16 A. Yes. Honestly, I think like at that  
16:36:12 17 time there was like -- Joe had such little money --  
16:36:15 18 I mean, I don't know this for sure, but I think the  
16:36:18 19 company or Joe just had no money. And basically,  
16:36:21 20 what would happen is he wouldn't have any money in  
16:36:24 21 his account. So when it would go to renew on the  
16:36:29 22 E-ZPass, it would just not renew. And then I'd be  
16:36:33 23 driving through or we'd be driving somewhere and  
16:36:36 24 wouldn't know and then it would send us like  
16:36:40 25 20 violations at one time.

16:36:43 1 Q. Okay. And his response is, "Okay. Pay  
16:36:47 2 it on my card."

16:36:49 3 Do you see that?

16:36:50 4 A. Yes. Yes, I see it.

16:36:51 5 Q. What does that mean?

16:36:55 6 A. It probably meant that he -- at the time  
16:36:58 7 that maybe I had a credit card of his or something  
16:37:00 8 that I had written down on paper and that he was  
16:37:03 9 probably like pay it on a card or a pay it on that  
16:37:06 10 card.

16:37:07 11 Q. Okay. Was that a frequent occurrence  
16:37:12 12 where he would instruct you to make payments from  
16:37:15 13 his credit card?

16:37:15 14 A. No, not frequent. Just if it was  
16:37:19 15 something like this where I would tell him like,  
16:37:21 16 hey, listen, this has got to be paid. We can't  
16:37:24 17 mail it in. Basically, I'm putting there, there  
16:37:27 18 could be a warrant or a loss of license. But then  
16:37:30 19 he might say use a card. Normally, no.

16:37:33 20 Q. Okay. Do you have a recollection of  
16:37:39 21 having had either a card of his or a number that  
16:37:43 22 connected to his -- Mr. Laura's personal credit  
16:37:46 23 card or was it a business credit card?

16:37:48 24 A. Honestly, I couldn't tell you. It was  
16:37:53 25 three years ago. I probably had it written down on

16:37:55 1 a piece of paper that he gave me to maybe use it  
16:37:58 2 for something else before, and then I just kept it  
16:38:01 3 just in case there was an emergency or I had to use  
16:38:03 4 it. But any card that I ever had written down of  
16:38:08 5 his was either canceled or done with.

16:38:10 6 Q. Okay. And did you ever -- let me ask it  
16:38:17 7 this way.

16:38:18 8 You never used any number or card of his  
16:38:21 9 without his permission, correct?

16:38:23 10 A. No, of course not. Correct.

16:38:27 11 Q. Okay. All right. And then on PDF 12,  
16:38:34 12 it looks like -- well, if you scroll back to PDF  
16:38:37 13 11, there's an indication of Monday, November 13th.  
16:38:42 14 So we have a Tuesday, November 7th, with a "Good  
16:38:44 15 morning, Joe." No response. And then a Monday,  
16:38:49 16 November 13, 2017 text from you, "I'm trying to  
16:38:54 17 reach you multiple times. Your truck payment is  
16:38:57 18 due. The insurance was due. My landlord is going  
16:39:00 19 to evict us because he thinks I am full of shit."

16:39:03 20 Do you see that?

16:39:04 21 A. I see it, yes. It's bringing back great  
16:39:07 22 memories.

16:39:08 23 Q. Okay. Is that sarcastic?

16:39:12 24 A. Yes. Yes.

16:39:13 25 Q. Those were not great memories, is that

16:39:16 1 correct?

16:39:16 2 A. No, not great. Not good memories at  
16:39:18 3 all, yes.

16:39:24 4 Q. Okay. And so can you explain what you  
16:39:26 5 meant by this message to Mr. Laura?

16:39:30 6 A. I was just basically getting to the  
16:39:32 7 point where I was just saying like, hey, man,  
16:39:33 8 either you come up with some of the money that  
16:39:35 9 you're supposed to have paid me for what I've been  
16:39:38 10 doing or basically we're in trouble here. I'm  
16:39:44 11 about to lose my -- I'm about to get evicted. We  
16:39:48 12 were behind on our rent. I mean, it was a bad  
16:39:50 13 situation for us. So I was just trying to get it  
16:39:52 14 across that, hey, I need some money now or else I  
16:39:56 15 have to go somewhere else. We have to move. We  
16:39:58 16 have to do something.

16:40:00 17 Q. What do you mean, "we have to move"?

16:40:02 18 A. Well, like if I wasn't getting paid, I  
16:40:05 19 couldn't afford my house. I mean, my wife had a  
16:40:09 20 job as a waitress, but she couldn't afford all on  
16:40:12 21 her own. So I would have had to get out.

16:40:20 22 Q. Okay. On PDF page -- it looks like 14,  
16:40:24 23 I think. It's not showing up which page it is. I  
16:40:27 24 guess it's also PDF page 13. There's messages that  
16:40:31 25 start with, "Hey, Joe. Just wanted to let you know

16:40:34 1 the truck is due by 4:00 today." But I don't see a  
16:40:37 2 date associated with those messages on that  
16:40:39 3 document.

16:40:40 4 A. What did they say or what --

16:40:43 5 Q. "Hey, Joe. Just wanted to let you know  
16:40:45 6 the truck is due by 4:00 today and the insurance  
16:40:49 7 any time."

16:40:51 8 A. I'm sorry, I'm going through. There are  
16:41:00 9 so many of them like that. Hey, Joe, blah, blah,  
16:41:02 10 blah. Okay. There's the failure to appear.

16:41:15 11 THE WITNESS: Can you show it to me  
16:41:17 12 there, Kevin?

16:41:23 13 A. Okay. I see it. That's November 24th.  
16:41:27 14 Friday, November 24th.

16:41:29 15 BY MS. SPILLANE:

16:41:29 16 Q. Friday, November 24th, 2017?

16:41:31 17 A. Yes.

16:41:35 18 Q. Okay. All right. And so for these  
16:41:40 19 messages, it seems like there was a truck payment  
16:41:42 20 due and insurance payment due. So still, as of the  
16:41:46 21 end of November 2017, the truck had not been paid  
16:41:50 22 off and the insurance was still owed, and both of  
16:41:56 23 those were still in your wife's and your name,  
16:41:59 24 correct?

16:41:59 25 A. Yes.

16:42:00 1 Q. Okay. And I don't have any response to  
16:42:06 2 that text message. Was that something that  
16:42:09 3 happened after December 2017?

16:42:11 4 A. Yes. I don't see a response.

16:42:16 5 Q. Okay.

16:42:17 6 A. Actually, I don't see responses going  
16:42:19 7 all the way. No.

16:42:24 8 Q. Okay. Your testimony earlier today was  
16:42:25 9 that you understood that the truck had been paid  
16:42:28 10 off, though, so that happened -- that must have  
16:42:32 11 happened sometime after November --

16:42:32 12 A. Yes.

16:42:34 13 Q. I'm sorry. What did you say, November  
16:42:36 14 24th, 2017?

16:42:37 15 A. Yes. I didn't realize how long we had  
16:42:39 16 the truck for, but, yes, he definitely paid it off.  
16:42:43 17 It's just a matter of I don't know the exact time.

16:42:48 18 Q. Okay. And do you know whether he paid  
16:42:54 19 it off through Pristec funds or Innovative Crude  
16:42:58 20 Technology funds?

16:43:00 21 A. I wouldn't know. I don't think he paid  
16:43:02 22 off like a huge lump sum. I think he just made the  
16:43:06 23 payments until he owed no more, because he never  
16:43:09 24 had money like that where he could make -- even  
16:43:11 25 though he asked -- where you saw in the text where

16:43:14 1 he asked, he never made it. Unless I'm like, hey,  
16:43:18 2 listen, we have to pay 1800 because it's overdue,  
16:43:22 3 then that would happen.

16:43:26 4 Q. Okay. But you're no longer receiving  
16:43:28 5 any bills from Ally for the car loan, is that  
16:43:33 6 right?

16:43:33 7 A. No.

16:43:33 8 Q. Okay. And you haven't been for  
16:43:35 9 sometime?

16:43:37 10 A. Yes. Correct. No, I haven't.

16:43:40 11 Q. Okay. And that's also the case with the  
16:43:42 12 insurance, you're not receiving bills for the  
16:43:44 13 insurance. And as far as you know, there's no  
16:43:46 14 insurance in your name for Mr. Laura's truck  
16:43:49 15 anymore?

16:43:49 16 A. No. There's no insurance in mine or my  
16:43:51 17 wife's name.

16:43:55 18 Q. Earlier, you had testified about your  
16:44:01 19 recent tax filings for earlier years, and I just  
16:44:08 20 wanted to get a little bit more details on that.

16:44:12 21 Do you recall which years those tax  
16:44:15 22 filings covered?

16:44:20 23 A. '13 through '17.

16:44:23 24 Q. '13 through '17. Okay.

16:44:26 25 And did you have an accountant that

16:44:28 1 assisted you with that process?

16:44:32 2 A. No.

16:44:34 3 Q. Okay. And you said you filed that in

16:44:37 4 2021, is that right?

16:44:38 5 A. Yes. I actually did through 2018.

16:44:44 6 Q. Okay. And did you file those before you

16:44:50 7 received -- before you were served with our

16:44:53 8 subpoena or after?

16:44:54 9 A. After.

16:45:00 10 Q. Okay. And can you recall how long

16:45:01 11 after? Was it --

16:45:04 12 A. Like last week after.

16:45:13 13 Q. Okay. Were you working on this project

16:45:18 14 while you were ill with your medical issue that

16:45:26 15 caused you to delay this deposition?

16:45:30 16 A. I've been working on this thing forever

16:45:33 17 trying to get all these numbers together.

16:45:41 18 MS. SPILLANE: Okay. All right. Let me

16:45:42 19 just check my notes real quick.

16:45:45 20 (Pause in the proceedings)

16:45:50 21 MS. SPILLANE: I don't have any more

16:45:52 22 questions for you right now, although we do

16:45:56 23 reserve the ability to ask some additional

16:45:59 24 questions depending on what your counsel

16:46:01 25 plans to ask you.

16:46:04 1 MR. O'CONNOR: Ms. Spillane, can I get a  
16:46:10 2 clarification? Do you believe that those tax  
16:46:13 3 returns fall within the scope of the  
16:46:15 4 subpoena?

16:46:17 5 MS. SPILLANE: To the extent they  
16:46:18 6 concern -- to the extent that they concern  
16:46:23 7 payments that were made between 2010 and 2017  
16:46:28 8 related to Pristec America or Innovative  
16:46:32 9 Crude Technologies before -- or to him or for  
16:46:35 10 his benefit or any of the individuals that  
16:46:37 11 are referenced in the subpoena, then, yes,  
16:46:39 12 they would.

16:46:39 13 MR. O'CONNOR: Okay.

16:46:40 14 MS. SPILLANE: I can't make that  
16:46:41 15 judgment not knowing what they are. But  
16:46:43 16 based on your client's testimony today, it  
16:46:45 17 does seem like they would be relevant and  
16:46:47 18 responsive.

16:46:48 19 MR. O'CONNOR: Okay. Thank you. Now, I  
16:46:50 20 just have a few questions.

16:46:51 21

16:46:51 22 EXAMINATION

16:46:51 23 BY MR. O'CONNOR:

16:46:52 24

16:46:52 25 Q. You testified to two groups of tax

16:46:55 1 returns, right? You have some tax returns that  
16:46:59 2 have been filed in the past?  
16:47:01 3 A. Right.  
16:47:01 4 Q. And then you have this group of tax  
16:47:05 5 returns that you've just recently filed, right?  
16:47:06 6 A. Yes.  
16:47:06 7 Q. And did I hear you say that you're not  
16:47:09 8 able to access the prior returns? Is that true?  
16:47:12 9 A. No. Yes. The accountant that did those  
16:47:15 10 couldn't.  
16:47:15 11 Q. He said he doesn't retain them that  
16:47:18 12 long?  
16:47:18 13 A. Yes.  
16:47:18 14 Q. Okay. So you'll get me the returns that  
16:47:21 15 she's requested? Yes?  
16:47:23 16 A. Yes.  
16:47:24 17 Q. Okay. Before we move off of these  
16:47:29 18 texts, counsel skipped over this text where it says  
16:47:34 19 -- and this is Joe Laura. When you raised the fact  
16:47:39 20 that you hadn't been paid, he wrote to you, "Sorry.  
16:47:42 21 I'm at the lawyers in NYC. Walter and TJ have put  
16:47:49 22 us in a very bad position. I'm leaving here in  
16:47:53 23 about 20 minutes. I'll call you from," and then  
16:47:56 24 it's cut off.  
16:47:57 25 A. Right.

16:47:57 1 Q. Do you see that?

16:47:58 2 A. Yes.

16:47:59 3 Q. What understanding did you have about

16:48:00 4 what he's talking about there?

16:48:04 5 A. Just that these two guys are trying to

16:48:07 6 screw Pristec and screw him over. That basically

16:48:11 7 -- to me, rereading that now, it makes me feel like

16:48:19 8 it's kind of over with or it's like we're screwed

16:48:21 9 here.

16:48:22 10 Q. Yes. When do you think was the first

16:48:25 11 time you heard about problems with TJ? And I'm

16:48:27 12 referring there -- who did you believe TJ to be?

16:48:30 13 A. TJ Earle.

16:48:35 14 Q. Okay. When do you remember the first

16:48:36 15 time hearing that TJ Earle was a problem for

16:48:39 16 Pristec?

16:48:40 17 A. I couldn't say an exact date, but I just

16:48:45 18 remember overhearing just about lies and this and

16:48:48 19 that about Walter, about TJ, about Rudy.

16:48:53 20 Q. Okay. So when Mr. Laura is being asked

16:48:58 21 about money, he's telling you, we've got big

16:49:01 22 problems because of TJ. Correct?

16:49:03 23 A. Yes.

16:49:08 24 Q. Okay. So you were asked about back

16:49:09 25 statements. I think your testimony was that you

16:49:12 1 looked into it. And it would cost you money to  
16:49:15 2 actually go and get them, is that true?

16:49:16 3 A. Yes. \$20 an hour. But the time they're  
16:49:20 4 done going through all those years, I didn't have  
16:49:22 5 the money at the time to do it.

16:49:24 6 Q. Well, the point I'm trying to make here  
16:49:27 7 is these are not records in your possession, right?

16:49:28 8 A. No. I don't have them.

16:49:37 9 Q. Okay. And the computer that you have,  
16:49:43 10 knowing now, looking at that subpoena cutoff date,  
16:49:43 11 right --

16:49:43 12 A. Yes.

16:49:45 13 Q. -- is it possible that that computer  
16:49:47 14 could have e-mails on it that relate to the period?

16:49:49 15 A. No, not at all.

16:49:55 16 Q. You said that 70,000 miles had been put  
16:49:58 17 on the truck. Is that the first or the second  
16:50:00 18 truck?

16:50:00 19 A. The first truck, we drove it to the  
16:50:04 20 ground --

16:50:04 21 Q. Okay.

16:50:04 22 A. -- going to different business meetings  
16:50:05 23 and everything.

16:50:07 24 Q. Now, counsel suggested to you that  
16:50:10 25 perhaps there was this period of time where

16:50:12 1 Mr. Laura was out riding around with that truck on  
16:50:15 2 his own personal time.

16:50:16 3 Do you remember?

16:50:17 4 A. Yes.

16:50:17 5 Q. Did you gain a sense of how hard Joe  
16:50:22 6 Laura was working for Pristec when you were working  
16:50:24 7 with him?

16:50:24 8 A. Yes. It was like a nightmare, because I  
16:50:28 9 was with him, and it was just like all day every  
16:50:31 10 day, nonstop phone calls, nonstop going here,  
16:50:35 11 nonstop everything. In the beginning, I was just  
16:50:37 12 like, man, I don't know if I can do this, because  
16:50:39 13 it was crazy.

16:50:43 14 Q. Did you perceive him to have all this  
16:50:45 15 extra time to spend on personal things?

16:50:50 16 A. To be honest with you, even if Joe is  
16:50:53 17 doing something personal with his family or  
16:50:55 18 whatever, nobody ever gets a word in with him. His  
16:50:59 19 kids will tell you this, his mom, his dad. He's  
16:51:01 20 always on the phone working. He's always doing  
16:51:04 21 something with Pristec. I mean, he's like a  
16:51:06 22 machine. He does it all the time. So...

16:51:10 23 Q. And you were asked I think whether his  
16:51:12 24 other -- anyone else in his family had a car.

16:51:15 25 Do you remember that?

16:51:16 1 A. Yes.

16:51:17 2 Q. Are you sure that his wife didn't have a

16:51:19 3 car as well?

16:51:19 4 A. No, I'm not sure. I mean, I kind of --

16:51:23 5 I think earlier I said that that was the only car,

16:51:26 6 but I wasn't necessarily referring to that's the

16:51:28 7 only car in his whole family. I just meant the car

16:51:30 8 that he uses. But his wife may have had it car,

16:51:34 9 definitely.

16:51:34 10 Q. Is Joe the kind of guy that you think

16:51:37 11 would ever take advantage of Pristec?

16:51:40 12 A. You know what? I've got to be honest

16:51:43 13 with you. I've been through a lot of stuff, as you

16:51:45 14 can see by looking at these texts. There's been

16:51:48 15 times where I needed none. I've gone through a

16:51:51 16 divorce. I've gone through just about everything I

16:51:54 17 have gone through here, and I still am here. And

16:51:57 18 as far as I'm concerned -- and this is the truth to

16:51:59 19 I don't know whoever is listening. I have known

16:52:02 20 this guy for a long time, and he is honestly a

16:52:05 21 loving, caring -- he's a family man. He's not the

16:52:09 22 type of person that would take family, friends --

16:52:14 23 he would never take these people for their money.

16:52:17 24 I mean, Joe has worked so -- I can only tell you

16:52:18 25 because I've been with him so long. He worked so

16:52:21 1 hard and so long just to get this going.  
16:52:25 2 Otherwise, I never would have stayed with this guy.  
16:52:27 3 With the money that I was making, I would have  
16:52:29 4 never stayed here. I would have left with my wife,  
16:52:30 5 my kids, everything else. But I had faith in what  
16:52:34 6 he was doing, because I know what kind of person he  
16:52:36 7 is.

16:52:36 8 So no matter what somebody else says  
16:52:39 9 about him, oh, he's this, he's that or whatever, I  
16:52:41 10 know because I spent so much time with him that  
16:52:43 11 I've never heard the guy -- I mean, I've never  
16:52:46 12 heard the guy say anything about ripping anybody  
16:52:49 13 off or taking anybody's money. All I've ever heard  
16:52:52 14 him say is, oh, we've got to protect the people in  
16:52:54 15 Pristec. Oh, we've got to make sure that the  
16:52:56 16 Pristec people get their money back, which I  
16:52:59 17 appreciate because it's my mother-in-law. But  
16:53:01 18 basically, I mean, he's a great guy, man. He would  
16:53:04 19 never steal money from these people. This is not  
16:53:09 20 happening.

16:53:10 21 Q. So counsel asked you about whether Joe  
16:53:13 22 Laura would take off and spend time working on  
16:53:15 23 other business ventures.

16:53:17 24 Do you remember that? She asked you  
16:53:19 25 about a couple of other different companies?

16:53:21 1 A. Yes.

16:53:21 2 Q. And whether he was practicing law?

16:53:22 3 A. Yes. Yes.

16:53:23 4 Q. Now, when you were involved with his

16:53:25 5 company, did you see him working on any other

16:53:27 6 companies?

16:53:27 7 A. No, I never did. It was only just

16:53:29 8 Pristec all day every day.

16:53:31 9 Q. And you've been involved with this

16:53:34 10 company since 2011, correct?

16:53:36 11 A. Yes. Yes, 2011.

16:53:39 12 Q. Do you recall it being said by Mr. Laura

16:53:42 13 to others, that there were some monies he was using

16:53:48 14 on personal items but he was taking it as a loan?

16:53:52 15 A. Yes, all the time. At first, I didn't

16:53:57 16 understand what he even meant by it. He was saying

16:53:59 17 it so much. But, yes, I've heard him say it -- I

16:54:03 18 heard him say it to Rudy. I heard him say it to

16:54:05 19 Miguel in a meeting when we were out there in

16:54:09 20 Austria. I've heard him say it to a number of

16:54:11 21 people on the phone. I couldn't tell exactly who

16:54:13 22 all those people were, but I just remember him

16:54:15 23 always saying, "Everything I take from the company

16:54:17 24 is basically a loan." And I used to just think

16:54:20 25 like why is this guy repeating that to everybody?

16:54:23 1 I just understood.

16:54:25 2 Q. You understood what?

16:54:26 3 A. I just understood that he wasn't going  
16:54:27 4 to take a salary from the company until the company  
16:54:30 5 started doing well and that whatever monies that he  
16:54:32 6 took out, because he obviously needed money to live  
16:54:34 7 and stuff, that it would be a loan that he would  
16:54:37 8 have to pay back into the company.

16:54:38 9 Q. And you said you saw him say that in the  
16:54:40 10 presence of Mr. Miguel Castillo?

16:54:44 11 A. Yes. Miguel and Rudy.

16:54:44 12 Q. Okay.

16:54:46 13 A. And there were several people there,  
16:54:48 14 too.

16:54:48 15 Q. We've got to be very careful about what  
16:54:50 16 the record says.

16:54:51 17 A. Okay.

16:54:51 18 Q. You can't just say Rudy. Ruediger  
16:54:53 19 Nuerk?

16:54:53 20 A. Ruediger Nuerk, yes.

16:54:55 21 Q. From Pristec AG?

16:54:58 22 A. From Pristec AG.

16:54:58 23 Q. And when he said it to these people, did  
16:55:01 24 they act surprised?

16:55:02 25 A. Not really. I mean, they weren't

16:55:06 1 completely surprised. I mean, at first, they  
16:55:09 2 didn't really understand what exactly he was  
16:55:11 3 saying, but then he made it specific. Like, this  
16:55:13 4 is the way I want to do it, because I don't want to  
16:55:15 5 represent that I'm taking money out of this company  
16:55:17 6 when people that I know and love have put money in,  
16:55:20 7 that I'm not going to pay back until we're  
16:55:23 8 successful.

16:55:26 9 Q. Okay. And the conversations you've  
16:55:27 10 described where he told this to other people, were  
16:55:29 11 they in 2011?

16:55:33 12 A. To be honest with you, he's been saying  
16:55:36 13 it all along. But when I went to -- in Austria  
16:55:39 14 with Miguel Castillo and Ruediger Nuerk, I think  
16:55:45 15 that was 2011 or end of 2010, right around there.

16:56:04 16 MR. O'CONNOR: Okay. That's all I have.

16:56:11 17 MS. SPILLANE: Yes. I just want a quick  
16:56:14 18 question.

16:56:14 19

16:56:14 20 FURTHER EXAMINATION

16:56:14 21 BY MS. SPILLANE:

16:56:14 22

16:56:16 23 Q. Mr. Martelli, did you have access to the  
16:56:18 24 Pristec America bank account?

16:56:22 25 A. No. Never.

16:56:23 1 Q. Did you have access to the Innovative  
16:56:27 2 Crude Technologies bank account?

16:56:28 3 A. No. Never.

16:56:32 4 Q. Okay. Did Mr. Laura show you bank  
16:56:34 5 statements or anything like that from those bank  
16:56:38 6 accounts --

16:56:39 7 A. No.

16:56:40 8 Q. -- for assisting him? Okay.

16:56:45 9 MS. SPILLANE: And I just need to go off  
16:56:48 10 the record real quick to see if there are any  
16:56:50 11 other questions. So we'll come back at 5:00.

16:56:57 12 THE WITNESS: Okay.

16:56:58 13 THE VIDEOGRAPHER: And we're going off  
16:56:59 14 the record at 4:56 p.m.

16:57:01 15 (Recess)

17:00:52 16 THE VIDEOGRAPHER: And we're back on the  
17:01:15 17 record at 5:01 p.m.

17:01:17 18 BY MS. SPILLANE:

17:01:18 19 Q. Okay. Mr. Martelli, before we broke, I  
17:01:22 20 was asking you about Pristec or Innovative Crude  
17:01:26 21 Technology bank accounts. I think you indicated  
17:01:29 22 that you didn't have access to them and you never  
17:01:32 23 saw them, bank statements, is that right?

17:01:35 24 A. Right. Yes. That wasn't part of my  
17:01:38 25 job.

17:01:39 1 Q. Okay. And did you have any  
17:01:40 2 conversations with the accountant about the state  
17:01:44 3 of the Pristec and Innovative Crude Technologies  
17:01:48 4 bank accounts?

17:01:49 5 A. No.

17:01:50 6 Q. Okay. And so your testimony before when  
17:01:56 7 Mr. O'Connor was asking you some questions about  
17:01:58 8 Mr. Laura, I think you indicated that you overheard  
17:02:02 9 Mr. Laura telling Mr. Nuerk and Mr. Castillo that  
17:02:08 10 he was taking loans from the company, is that  
17:02:12 11 right?

17:02:12 12 A. Yes.

17:02:14 13 Q. Okay. And that you thought this was at  
17:02:18 14 the end of 2010 or the beginning of 2011?

17:02:21 15 A. Yes, I think so.

17:02:23 16 Q. Okay. And was there anyone else besides  
17:02:27 17 you and Mr. Laura and Mr. Nuerk and Mr. Castillo at  
17:02:31 18 that discussion?

17:02:34 19 A. There were some other people that I know  
17:02:36 20 that -- I think they were on the board of Pristec  
17:02:39 21 AG or whatever, but I don't know. I never really  
17:02:44 22 met those people. The only people I knew were  
17:02:48 23 Ruediger and Miguel. Those other people, they were  
17:02:51 24 there momentarily in and out, whatever, so I don't  
17:02:53 25 know who any of those people are.

17:02:54 1 Q. Okay. And can you tell me what  
17:02:56 2 Mr. Laura said specifically about the loan he was  
17:02:59 3 taking?  
17:03:00 4 A. He just said that he was going to -- any  
17:03:05 5 monies that he took from the company, he was going  
17:03:07 6 to take as a loan and that he would repay it.  
17:03:09 7 Q. Okay. And how did that subject come up,  
17:03:13 8 if you recall?  
17:03:13 9 A. You know what? I'm not sure, to be  
17:03:19 10 honest with you.  
17:03:20 11 Q. Okay. And I think you testified earlier  
17:03:22 12 that Mr. Laura said he was -- any money that he  
17:03:29 13 took from the company, he was going to repay, but  
17:03:32 14 not until something happened with the company. Do  
17:03:37 15 I have that right?  
17:03:38 16 A. Basically -- I'm trying to think of what  
17:03:42 17 I said before. I mean, the bottom line is he said  
17:03:45 18 once that he wouldn't take a salary until the  
17:03:47 19 company did well. That's what he was saying.  
17:03:51 20 Q. Okay. All right. And what about the  
17:03:53 21 loan repayment? Did he say when he intended to  
17:03:57 22 repay the monies that he was taking from the  
17:03:59 23 company?  
17:03:59 24 A. No. Not that I can remember. Not a  
17:04:06 25 specific date.

17:04:08 1 Q. Okay. Was there a general date, like in  
17:04:11 2 a year from now or two years or anything like that,  
17:04:14 3 that you can remember?  
17:04:16 4 A. No.  
17:04:19 5 Q. Okay. And did Mr. Laura, when he was  
17:04:22 6 talking about this, have bank statements or any  
17:04:25 7 other -- did he say like, here's how much I've  
17:04:28 8 taken so far, and here's how much I'm intending to  
17:04:31 9 take on an ongoing basis?  
17:04:33 10 A. No.  
17:04:35 11 Q. All right. And I think you had also  
17:04:40 12 said in your conversation with Mr. O'Connor that  
17:04:42 13 you heard Mr. Laura say similar things about taking  
17:04:47 14 money from the company outside of this meeting with  
17:04:52 15 Mr. Nuerk and Mr. Castillo, is that right?  
17:04:55 16 A. Yes.  
17:04:56 17 Q. Okay. And were these meetings with  
17:05:05 18 other people where you heard Mr. Laura say this?  
17:05:08 19 A. Oh, no. Basically, I'd hear him on the  
17:05:11 20 phone. When we're driving around, I'd hear him say  
17:05:14 21 it. I heard him say it numerous times on different  
17:05:19 22 locations. Like I said, I don't know exactly who  
17:05:20 23 he was saying it to, because I don't know who's on  
17:05:24 24 the other end of the phone all the time, but I  
17:05:25 25 heard it several times over the course of years.

17:05:28 1 Q. Okay. So which -- around when did you  
17:05:30 2 hear him have -- say the first time you heard him  
17:05:34 3 talking to somebody on the phone and making a  
17:05:37 4 statement about the loan?

17:05:38 5 A. I couldn't tell you, to be honest. I  
17:05:42 6 mean, I would be lying if I gave you two dates. I  
17:05:45 7 don't know exactly when. I just know because when  
17:05:48 8 I first heard it the first couple of times, I was  
17:05:52 9 thinking to myself, like, hmm. But then I just got  
17:05:57 10 used to hear hearing it. That's why this is one of  
17:06:00 11 those things that sticks out. But as far as time  
17:06:02 12 goes, I couldn't tell you.

17:06:03 13 Q. Okay. And I think you testified earlier  
17:06:05 14 that you were -- you as a general habit and  
17:06:11 15 practice were not -- you did not attend any  
17:06:14 16 meetings with investors and you did not -- you  
17:06:16 17 weren't a part of any communications that Mr. Laura  
17:06:19 18 had with investors, is that right?

17:06:20 19 A. Yes.

17:06:21 20 Q. Okay. And the same goes for business  
17:06:26 21 meetings, other than the two you were at in  
17:06:31 22 Austria, is that right?

17:06:32 23 A. Yes, pretty much. I mean, I'm not  
17:06:36 24 saying I've never sat at a dinner at some point in  
17:06:40 25 time over the years where there's associates or

17:06:41 1 people around talking about stuff, but I wouldn't  
17:06:44 2 know what the heck or when that was. But I made it  
17:06:47 3 a practice to -- I wasn't needed or necessarily  
17:06:52 4 wanted in those meetings.

17:06:58 5 Q. Okay. And so I just want to make sure  
17:07:01 6 then.

17:07:02 7 So this conversation -- this statement  
17:07:05 8 that you heard Mr. Laura say about taking loans  
17:07:08 9 from the company, that was in the meeting with  
17:07:13 10 Mr. Nuerk and Mr. Castillo. And then, after that,  
17:07:16 11 you only ever heard him say that on the phone, is  
17:07:21 12 that right?

17:07:21 13 A. Yes.

17:07:24 14 Q. Okay. And you can't remember when those  
17:07:26 15 phone conversations might have taken place?

17:07:29 16 A. You know, I heard it so many times that  
17:07:31 17 there's no way I could remember. It was ongoing.  
17:07:35 18 It was like going on for years at a time.

17:07:39 19 Q. Okay. And did you hear Mr. Laura when  
17:07:42 20 he would tell these people or whoever it was on the  
17:07:48 21 other end of the phone how much money he had  
17:07:51 22 already taken?

17:07:52 23 A. No.

17:07:56 24 Q. Any reference to, I provided you bank  
17:08:00 25 statements or anything like that, that you heard

17:08:05 1 him say anything specific about the amount that he  
17:08:07 2 had taken or that he would -- he was planning to  
17:08:10 3 take?

17:08:10 4 A. No. No. Never. Not really.

17:08:15 5 Q. Okay. And the conversation that you  
17:08:18 6 recall in Austria with Mr. Nuerk and Mr. Castillo,  
17:08:22 7 do you remember anything else that they were  
17:08:24 8 discussing other than the money that Laura was  
17:08:29 9 taking?

17:08:34 10 A. You know, it was an ongoing  
17:08:37 11 conversation. I mean, in the office, over dinner.  
17:08:39 12 I mean, they were talking about everything from the  
17:08:41 13 technology to what they thought it could do, what  
17:08:45 14 certifications they had. Just -- it was just  
17:08:50 15 business talk. But to be honest with you, you  
17:08:53 16 know, I just wanted to get out of there. I mean,  
17:08:56 17 they were just talking about all types of stuff. I  
17:08:59 18 mean, it wasn't just that. I don't remember. I  
17:09:03 19 mean, mostly I guess technology. I remember Rudy  
17:09:06 20 talking about his poker, his bad gambling poker  
17:09:12 21 habit that he has. I mean, just little stuff like  
17:09:16 22 that. Nothing really that specific, though, except  
17:09:18 23 for that.

17:09:20 24 Q. Okay. And then so I just want to  
17:09:21 25 confirm, you never heard Mr. Laura explain to any

17:09:25 1 investor that -- well, I'll ask it a different way.

17:09:30 2 Did you ever hear Mr. Laura explain to

17:09:32 3 any investor that he was taking money from the

17:09:35 4 company?

17:09:37 5 A. That he was taking money what, other

17:09:39 6 than a loan?

17:09:41 7 Q. Taking money as a loan or -- I think you

17:09:44 8 also said something about he wasn't going to take a

17:09:47 9 salary until Pristec -- something happened with

17:09:52 10 Pristec?

17:09:54 11 A. Yes. You know, I never -- no, I never

17:09:56 12 heard him -- can you repeat the question, actually,

17:10:01 13 the first question?

17:10:02 14 Q. Did you ever hear Mr. Laura make that

17:10:05 15 same statement to an investor, to somebody you knew

17:10:07 16 was an investor or potential investor?

17:10:09 17 A. No, because I wouldn't know who he was

17:10:12 18 talking to was an investor necessarily or -- so,

17:10:16 19 yes, no.

17:10:22 20 MS. SPILLANE: Okay. I don't think we

17:10:24 21 have any more questions. We'll go off the

17:10:25 22 record. Thank you for your time.

17:10:27 23 THE WITNESS: Thank you.

17:10:30 24 MR. O'CONNOR: Have a good night,

17:10:31 25 everybody.

17:10:32 1 MS. SPILLANE: Good night.  
17:10:34 2 THE VIDEOGRAPHER: And this concludes  
3 today's videotaped deposition of Joseph  
4 Martelli. We're going off the record at 5:10  
5 p.m.

6 (Proceedings concluded at  
7 5:10 P.M. E.S.T.)  
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1 C E R T I F I C A T E

2 STATE OF NEW YORK )

3 ) ss.:

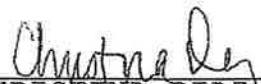
4 COUNTY OF NEW YORK)

5 I, Christina Diaz, a Certified Realtime  
6 Captioner, Registered Merit Reporter and Certified  
7 Realtime Reporter and Notary Public within and for  
8 the State of New York, do hereby certify:

9 That JOSEPH MARTELLI, the witness whose  
10 deposition is hereinbefore set forth, was duly  
11 sworn by me and that such deposition is a true  
12 record of the testimony given by such witness on  
13 April 14, 2021.

14 I further certify that I am not related  
15 to any of the parties to this action by blood or  
16 marriage and that I am in no way interested in the  
17 outcome of this matter.

18 Dated: April 18, 2021

19  
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